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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Japan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Note verbale dated 27 December 2001 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Japan to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and, pursuant to operative paragraph 6 of this resolution, has the honour to transmit herewith the report of the Government of Japan on the steps it has taken to implement this resolution (see enclosure).

Enclosure

JAPAN

REPORT TO THE COUNTER-TERRORISM COMMITTEE PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF SEPTEMBER 28, 2001

REPORT TO THE COUNTER-TERRORISM COMMITTEE PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF SEPTEMBER 28, 2001

The position of Japan on the fight against terrorism has been detailed in its statements during the General Debate under agenda item 166 of the 56th session of the UN General Assembly, "Taking a Comprehensive Approach to the Elimination of Terrorism" (ANNEX 1), and on other occasions. As described below, Japan is vigorously undertaking domestic procedures to facilitate the smooth and prompt implementation of United Nations Security Council resolution 1373 (2001) of September 28, 2001.

United Nations Security Council resolution 1373 (2001) is significant as it upgrades the capability of the international community to combat terrorism. Its early and full implementation is therefore important. In this connection, Japan stresses the importance for Member States to coordinate their measures as far as possible to ensure the effective implementation of the counter-terrorism measures in accordance with the said resolution, including the freezing of assets. Further, in accordance with the basic thrust and objective of this resolution, Japan intends to maintain a close link with the Counter-Terrorism Committee and would like to contribute to its work by providing constructive support.

LEGISLATIVE ACTION

There has been substantial progress on the work related legislative action among the authorities concerned in order to ensure the early and full implementation of SCR1373 (2001). With respect to the broader issue of legislation against terrorist financing, as Chief Cabinet Secretary Yasuo Fukuda announced on November 16, Japan will take necessary measures such as seeking the approval of the conclusion of the International Convention for the Suppression of the Financing of Terrorism in the next ordinary Diet session and preparation of the legal framework to implement the provisions related to the Convention and SCR1373 (2001). To this end, relevant Ministries and Agencies have been working together intensively to identify what Japan can do within the present legal framework and what amendments and additional legal arrangements it should make.

As Japan responds to the specific questions posed by the Counter-Terrorism Committee, many parts of the provisions of SCR1373 (2001) have already been implemented through previous legislation and executive measures, including:

- FOREIGN EXCHANGE AND FOREIGN TRADE LAW (Law No.228 of 1949)
- EXPORT TRADE CONTROL ORDER (Executive Order No.414 of 1949)
- FOREIGN EXCHANGE ORDER (Executive Order No.260 of 1980)
- LAW CONCERNING PREVENTION OF INJURY TO PERSONS CAUSED BY SARIN (Law No.78 of 1995)
- NARCOTICS AND PSYCHOTROPICS CONTROL LAW (Law No.14 of 1953)
- LAW OF OPIUM (Law No.71 of 1954)
- HEMP CONTROL LAW (Law No.124 of 1948)
- STIMULANTS CONTROL LAW (Law No.252 of 1951)
- LAW CONTROLLING POSSESSION, ETC. OF FIREARMS AND SWORDS (Law No.6 of 1958).
- THE ACT REGARDING THE CONTROL OF ORGANIZATIONS WHICH COMMITTED INDISCRIMINATE MASS MURDER (Law No.147 of 1999)
- SUBVERSIVE ACTIVITIES PREVENTION ACT (Law No.240 of 1952)
- LAW FOR PUNISHMENT OF ORGANIZED CRIMES, CONTROL OF CRIME PROCEEDS AND OTHER MATTERS (Law No.136 of 1999)
- IMMIGRATION CONTROL AND REFUGEE RECOGNITION ACT (Law No.319 of 1951)
- THE THREE PRINCIPLES ON ARMS EXPORT (Declaration at the Diet session in 1967)

THE ANTI-TERRORISM SPECIAL MEASURES LAW

Japan is resolved to continue to stand by the United States and other Member States in their determined fight against terrorism, and to contribute actively, on its own initiative, to the efforts of the international community in

order to prevent and eradicate international terrorism and to ensure that terrorist acts will never be repeated. In this context, the Anti-Terrorism Special Measures Law was passed by the Diet on October 29, 2001.

The Law intends to enable Japan to contribute actively and on its own initiative to the efforts of the international community for the prevention and eradication of international terrorism, thereby ensuring the peace and security of the international community, including Japan itself, through (1) cooperation and support activities for the armed forces of the United States and other countries which aim to eradicate the threat of terrorist attacks, thereby contributing to the achievement of the purposes of the Charter of the United Nations; (2) search and rescue activities for such foreign forces; and (3) assistance to affected people.

On November 16, the Cabinet, following a meeting of the Security Council of Japan, decided on a Basic Plan regarding Response Measures Based on the Anti-Terrorism Special Measures Law. On November 20, the Minister of State for Defense decided on the implementing guidelines, and on November 25, three Self-Defense Forces (SDF) vessels departed (one supply ship ("Towada"), one destroyer ("Sawagiri") and one minesweeper tender ("Uraga")), in addition to the three SDF vessels already in operation for information-gathering purposes (two destroyers ("Kurama" and "Kirisame") and one supply ship ("Hamana") of the Maritime Self-Defense Force). These ships have been engaged in cooperation and support activities and providing assistance to affected people, etc. On December 2, the Air Self-Defense Force also commenced its cooperation and support activities. (AC-130 transport aircraft commenced the transport activities from U.S. bases in Japan to areas in the direction of Guam and elsewhere on December 2.)

EXECUTIVE ACTION

•MEASURES TO CUT OFF TERRORISTS' FUNDS

In accordance with United Nations Security Council resolutions 1267 (1999) and 1333 (2000), the Government of Japan took measures on September 22 to freeze assets of and restrict money flows to 165 organizations and individuals related to the Taliban or Usama bin Laden. The Government of Japan extended these measures to 23 additional organizations and individuals on October 12; an additional 27 organizations and individuals on October 27; an additional 62 organizations and individuals on November 13; and an additional 4 organizations and individuals on December 26, for a total of 281 organizations and individuals subject to the restrictions in accordance with SCR 1267 (1999) and 1333 (2000). The Government has so far frozen 4 accounts (with about $600,000) in Japan, and is examining other accounts.

In addition to the above mentioned asset-freezing measures based on UN Security Council resolutions 1267 (1999) and 1333 (2000), the Government of Japan decided, on December 18, to take measures to freeze the assets of an organization engaged in financing terrorism related activities (Holy Land Foundation for Relief and Development), as well as eight terrorists who committed terrorist activities such as hijacking of a commercial airline of TWA in 1985, conspiracy plot, based in Manila, the Philippines, to bomb commercial United States airliners, and bombing of the Khobar Towers military housing complex in Dhahran, Kingdom of Saudi Arabia. These asset-freezing measures are effective from December 19.

•MEASURES TO ENHANCE INTERNATIONAL LEGAL FRAMEWORKS

The Japanese government supports the twelve counter-terrorism conventions. Japan is already a party to eleven of them. The International Convention for the Suppression of Terrorist Bombings and related domestic legislative proposals were approved at the previous session of the Diet on November 9, and the Convention took effect for Japan on December 16. The Government signed the International Convention for the Suppression of the Financing of Terrorism on October 30, and is preparing for its conclusion at the next plenary session of the Diet in 2002. The Government has also been encouraging other countries to ratify these anti-terrorism conventions on various occasions.

TECHNICAL ASSISTANCE TO OTHERS

Japan has solid programs of bilateral assistance in counter-terrorism aimed at preventing terrorist acts. Activities covered by these programs in the past fifteen years include seminars and a training project. These programs are

offered to officials mainly from developing countries including ASEAN countries. Since 1986, the Japan International Cooperation Agency (JICA) has held such seminars and training courses supported by related ministries and agencies in the following fields. Up to the present, a total of 308 officials from more than 100 countries have participated in the programs. (ANNEX 2)

•TRAINING COURSE ON IMMIGRATION CONTROL ADMINISTRATION (FOR ASIAN COUNTRIES)
RESULTS: 60 participants from 18 countries and regions (1995-2001)
PURPOSE: The purpose of this course is to provide participants with practical knowledge and training on immigration control administration by introducing the Japanese system, in order to contribute to the development of immigration control and a regional network mechanism in participating countries of Asia.
MAIN FEATURES OF CURRICULUM: In this course, the following major subjects are covered through lectures, discussions and observation trips: (1) law and regulation system, control administration mechanism; (2) inspection service; (3) computer service; (4) document identification service, and (5) theme study.
QUALIFICATIONS OF APPLICANTS: (1) immigration officer; (2) over 7 years' experience; (3) under 40 years of age; (4) university graduate or equivalent
JICA CENTER / TRAINING INSTITUTIONS:
(1) Osaka International Centre and (2) Osaka Regional Immigration Bureau, Ministry of Justice

•SEMINAR ON INTERNATIONAL TERRORISM INVESTIGATION
RESULTS: 95 participants from 50 countries (1995-2001)
PURPOSE: This seminar is designed to provide those who are leaders in charge of the prevention and investigation of international terrorism with an opportunity to discuss the international terrorist situation and anti-terrorism measures. Through the seminar, participants are expected to: (1) acquire an overall understanding of the organization of the Japanese police system and of measures to counter international terrorism investigation through case studies; (2) acquire knowledge and skills for investigation of international terrorism in general through lectures and discussion on international terrorism situations and counter-terrorism measures in their countries; and (3) deepen mutual understanding and establish cooperative relations among participants in order to promote international cooperation for investigating terrorists and preventing international terrorism.
MAIN FEATURES OF CURRICULUM: The following major subjects are covered in the seminar: (1) participants' presentation and discussion of international terrorism situation and anti-terrorism measures; (2) organization and current state of Japan's police system; (3) terrorism situation and anti-terrorism measures in Japan; and (4) observation visit to related facilities.
QUALIFICATIONS OF APPLICANTS: (1) director of division or equivalent position, in charge of international terrorism prevention and investigation in the national police or the security organization of the Ministry of Home Affairs; (2) approximate rank of police superintendent or higher.
JICA CENTER / TRAINING INSTITUTIONS:
(1) Tokyo International Centre and (2) Security Bureau, National Police Agency

•SEMINAR ON AVIATION SECURITY
RESULTS: 153 participants from 51 countries and regions (1986-2000)
PURPOSE: The purpose of this seminar is to provide participants with fundamental knowledge of aviation security practices in Japan, which includes ICAO specifications. Participants also have the opportunity to exchange views in the field of aviation security with each other and with Japanese lecturers, thus contributing to the investigation of applicable methods to improve aviation security in participating countries.
MAIN FEATURES OF CURRICULUM: In this seminar, the emphasis is on the Japanese systems as an example. The following major subjects are covered in the seminar. (1) civil aviation in Japan; (2) airport management and security guard; (3) countermeasures for aviation security; (4) security control systems; (5) presentation and discussion by participants; (6) observation of airports and aviation facilities to: (a) deepen fundamental knowledge of international measures for aviation security; (b) acquire fundamental knowledge of countermeasures for aviation security and of security control system practiced in Japan as a reference; (c) enhance fundamental technical knowledge of security equipment; and (d) identify the problems of aviation

security in each participating country, and thus contribute to a consideration of the improvement of such problems.
QUALIFICATIONS OF APPLICANTS: (1) university graduate or the equivalent; (2) currently employed by own government or other public civil aviation authority, preferably in leadership position in administrative and/or policy-planning sections for aviation security; (3) have not less than five years' work experience in the field of aviation security; (4) under 45 years of age
JICA CENTER / TRAINING INSTITUTIONS:
(1) Tokyo International Centre and (2) Civil Aviation Bureau, Ministry of Land and Transportation

Japan committed to double the number of participants in each above-described program in 2002. Japan believes that such efforts will assist other Member States to implement SCR1373 (2001) fully and smoothly. If a need for various forms of assistance arises during the course of the implementation of SCR1373 (2001) by Member States, Japan is prepared to consider providing further assistance.

COMMENTS IN RELATION TO THE SPECIFIC QUESTIONS POSED BY THE COUNTER-TERRORISM COMMITTEE

Operative Paragraph 1
Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to question on 1(b) to (d).

The Government of Japan, by successive additions to the list of those who are subject to measures to freeze their assets, has designated a total of 290 individuals and organizations, and has implemented measures to freeze those assets relating to terrorist acts.

The Government has designated 165 organizations and individuals on September 22, 2001; 23 organizations and individuals on October 12; 27 organizations and individuals on October 27; 62 organizations and individuals on November 13; 1 organization and 8 individuals in December 19; and an organization and 3 individuals on December 26, as subject to measures to freeze their assets. Included in this list are not only those who have been designated by the Sanctions Committee of the United Nations Security Council as having affiliations with the Taliban, but also the 22 most wanted terrorists designated as subject to having their assets frozen under the United States Executive Order. These organizations and individuals are listed on official gazettes, and effective measures are implemented to freeze their assets. As a result, 4 banks in Afghanistan have been revealed to hold 4 savings accounts (about 600,000 US dollars) in Japan, and those accounts were frozen immediately. The Government of Japan, while continuing to maintain close exchange of information with relevant countries, will endeavor to ensure effective and expeditious measures to freeze assets relating to terrorist acts.

Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

Under the Penal Code of Japan, when a principal offender commences the commission of a crime, the provision or collection of funds is punishable as aiding and abetting, or as complicity. However, if the principal did not commence the commission of a crime, the provision or collection of funds is not punishable under the Penal Code.

"Law concerning Prevention of Injury to Persons Caused by Sarin" (Law No.78 of 1995) stipulates that, regardless of whether a principal offender commences the commission of a crime, the provision of funds for emission, production and importation of the prohibited substances including sarin, with the knowledge that the funds would be used for such action, is by itself punishable. Similar stipulations are provided in "Narcotics and Psychotropics Control Law" (Law No.14 of 1953), "Law of Opium" (Law No.71 of 1954), "Hemp Control Law" (Law No.124 of 1948), "Stimulants Control Law" (Law No.252 of 1951), "Law Controlling Possession, etc. of Fire-Arms and Swords" (Law No.6 of 1958) and other laws.

Japan is of the view that the conclusion of the "International Convention for the Suppression of the Financing of Terrorism" will ensure the full implementation of this sub-paragraph. Currently, the relevant authorities of the Government are working together to come up with necessary legislation to be a party to the Convention at the next plenary session of the Diet which convenes next January.

Sub-paragraph (c) ***- What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.***

In accordance with the "Foreign Exchange and Foreign Trade Law," the Minister of Finance or the Minister of Economy, Trade and Industry may apply a licensing system in order for residents or non-residents to make payments from Japan to persons or organizations in other countries, for residents to make payments to non-residents, or for residents to receive payments from non-residents. The Minister of Finance may apply a licensing system for any capital transactions such as those with respect to savings and trusts, loans and issuance or flotation of bonds. In addition, those who breach such regulations are subject to penalties.

The Government of Japan, since September 11, has taken measures to freeze assets of 290 organizations and individuals including those organizations and individuals which are related to the Taliban or Usama bin Laden, and to date, 4 of their accounts in Japan have been frozen (about 600,000 US Dollars).

As for further action to be taken, the Government of Japan is working seriously to establish an improved mechanism by which more prompt and effective freezing measures can be taken. The mechanism would make it possible for the Japanese government to block financial assets independent of the name lists maintained by the Sanctions Committee of United Nations Security Council more effectively. Through this mechanism, Japan will be able to contribute more actively, on its own initiative, to the efforts of the international community in order to prevent and eradicate international terrorism.

Sub-paragraph (d) ***- What measures exist to prohibit the activities listed in this sub-paragraph?***

Generally, the financing of criminal acts, according to the Penal Code in Japan, is regarded as aiding and abetting such acts; therefore, under Japan's Penal Code the financing of an act regarded as an act of terrorism is also punishable, once the commission of the act is commenced. Furthermore, as stated in sub-paragraph (b), under the current legal system in Japan, the crime of financing is stipulated with regard to the several specific criminal acts, and in cases where particular terrorist acts constitute such criminal acts, the financing thereof may be subject to punishment.

In addition, while taking necessary steps towards the ratification of the "International Convention for the Suppression of the Financing of Terrorism," the Government is proceeding with work on criminalizing the financing of terrorist acts, and coordinating among relevant ministries to enact the necessary legislation.

Operative Paragraph 2

Sub-paragraph (a) ***- What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?***

(i) to prohibit recruitment to terrorist groups

"The Act Regarding the Control of Organizations Which Committed Indiscriminate Mass Murder (Law No.147 of 1999)" stipulates that a group which has committed indiscriminate mass murder as an organizational activity is to have its activities investigated and placed under observation and that necessary measures will be taken to prevent the recurrence of such act. (ANNEX 3)

In cases where officials or members of an organization carried out indiscriminate mass murder by way of its activities and when it is deemed necessary to continually investigate its activities, and where there are sufficient

facts to find that there is a potential danger that the organization will carry out indiscriminate mass murder, the organization is placed under surveillance by the Director-General of the Public Security Investigation Agency, with the provision that such action shall not exceed the period of three years. In a case where it is deemed necessary to investigate the activities of an organization, the Director-General may have public security investigators enter land or buildings owned or managed by the organization.

Action for prevention of recommitment of indiscriminate mass murder is taken in cases where conditions require that an organization be placed under surveillance, and in cases where officials or members of the organization concerned have forced or attempted to force a person to join that organization concerned. The measure includes 1) prohibition of acquisition of land or buildings; 2) prohibition of use of specific land or building owned or managed by the organization concerned; 3) ban on a person who participated in the said indiscriminate mass murder or who was an official of the organization concerned at the time the said indiscriminate mass murder was carried out from participating in or engaging in all or a part of the activities of the organization concerned; 4) prohibition against forcing or soliciting entry into the organization concerned; 5)prohibition or restriction of receipt by organization of donation of money, articles or other property interests. Any person who contravenes the above-mentioned measures shall be liable to penalties.

Furthermore, "Subversive Activities Prevention Act (Law No.240 of 1952)," in order to contribute to the maintenance of public safety, stipulates necessary regulatory measures against an organization that is engaged in subversive activities that were intrinsic activities of the organization. (ANNEX 4)

Whenever there is clear and well-grounded danger that an organization which performed any terrorist subversive activities in the past performs again in the future any such subversive activity continuously or repeatedly, the following measures may be taken: 1) In cases where such terrorist subversive activity performed in a mass demonstration, procession or public gathering, such activity shall be prohibited for a period of six months; 2) in cases where such terrorist subversive activity performed through a distribution of multiple copies of the publication of the organization, the printing and distribution of such journal shall be prohibited for a fixed period not exceeding six months; 3)any particular officer, official or member of the organization who took part in such terrorist subversive activities shall be prohibited from performing any act in the interest of the organization for a fixed period not exceeding six months. Any person who contravenes the said measures shall be liable to penalties.

If there is clear and well-grounded danger of such organization performing again in the future any terrorist subversive activities continuously or repeatedly as an intrinsic activity of the organization, and if it is seen as not possible to effectively eliminate such danger, such organization may be forced to be dissolved. Any person who takes any action in the interest of the dissolved organization shall be liable to penalties.

(ii) to prohibit the supply of weapons to terrorists? What other measures help prevent such activities

Japan's export control legislation and measures contribute toward the elimination of the supply of weapons to terrorists.

The Government of Japan has been dealing carefully with "arms" exports in accordance with the policy guideline titled Three Principles on Arms Exports (hereinafter referred to as "the Three Principles") in order to avoid any possible aggravation of international conflicts. The Three Principles have been the basic policy concerning Japan's "arms" exports since they were declared at the Diet session in 1967. "Arms" as referred to in the Three Principles are defined as goods which are used by military forces and which are directly employed in combat; specifically, 16 goods listed under Item 1 of the Annexed List 1 of the Export Trade Order. (ANNEX 5)

Under the Three Principles, "arms" exports to the following countries or regions shall not be permitted:

(1) Communist bloc countries,

(2) countries subject to "arms" exports embargo under United Nations Security Council resolutions, and

(3) countries involved in or likely to be involved in international conflicts.

Subsequently, in February 1976, the Government of Japan announced the collateral policy guideline at the Diet session that "arms" exports to other areas not included in the Three Principles will also be restrained in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy guideline declared that the Government of Japan shall not promote "arms" exports, regardless of the destination.

Japan's export control system is based on the Foreign Exchange and Foreign Trade Law (Law No.228 of 1948) (hereinafter referred to as "Foreign Exchange Law"), which provides the general legal framework governing Japan's external transactions, as well as the Export Trade Control Order (Executive Order No.414 of 1949) (for goods) and the Foreign Exchange Order (Executive Order No.260 of 1980) (for technologies). In accordance with these regulations, the Government of Japan exercises vigilant control over exports of all items on the lists attached to the Orders by means of a licensing requirement.

Based on the Foreign Exchange Law, the Government of Japan controls exports of goods and technologies which appear as the 15 items described as "subject to control" in the Export Trade Control Order Attachment List 1 and the Foreign Exchange Order Attachment List, respectively. Goods and technologies described on these Lists correspond to the goods and technologies controlled by the four international export control regimes, namely Wassenaar Arrangement, Missile Technology Control Regime, Nuclear Suppliers Group and Australia Group.

Since export controls of weapons and dual-use goods and technologies related to weapons of mass destruction and conventional arms aim at preventing the proliferation of weapons of mass destruction and the destabilizing accumulation of conventional arms, exports of controlled goods and technologies to all destinations are subject to licensing requirements in Japan.

To further strengthen export controls for the non-proliferation of weapons of mass destruction, Japan introduced the catch-all controls in December 2001. A license must be obtained from the Minister for Economy, Trade and Industry for the export of virtually all goods and technologies that are related to weapons of mass destruction.

Sub-paragraph (b) - What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

In preparation for the effective exchange of information with other countries, the relevant government agencies have reinforced the system to integrate, assess and share information under the Director of Cabinet Intelligence.

Relevant terror information obtained by Japan, including warning information, is provided to foreign security agencies concerned in a timely and proper manner. Japan has enhanced this process since the September incident. Terror information involving Japan provided by foreign countries has been centralized at the post of Director of Cabinet Intelligence to enable relevant governmental agencies to coordinate their measures to prevent terrorist attacks. Japan has enhanced this process since the September incident.

In this regard, Japan has been directing its related security agencies to reinforce information-gathering on those affairs related to terrorism. Specifically, Japan has been gathering information that might lead to the prevention of terrorist activities by making use of existing informants etc., and has concurrently been developing a new network for information gathering. In addition, Japan has been carrying out the exchange of information which might lead to the disclosure of the activities of terrorist groups by reinforcing relations with the counterpart intelligence agencies of foreign governments concerned.

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

According to Articles 5 and 24 of the "Immigration Control and Refugee Recognition Act (Law No.319 of 1951)," the Government of Japan may deport a foreigner from its territory (Article 24) or deny a foreigner to entry into its territory (Article 5).

1. Deportation
The Government of Japan is capable of effecting the deportation of foreign persons, for example;

Persons who organize, belong to, or are closely associated or affiliated with any of the following political parties or other organizations:
- Political parties or other organizations that encourage acts of violence or assaulting, killing, or injuring officials of the Government or local public entities for the reason of their being such officials.
- Political parties or other organizations that encourage illegal damage or destruction of public installations or facilities.

In addition to the above, Article 24 of the "Immigration Control and Refugee Recognition Act" provides for various other conditions for deportation. (ANNEX 6)

2. Denial of Landing
The Government of Japan is capable of denying landing to foreign persons, for example;

Persons who organize, belong to, or are affiliated with any of the following political parties or other organizations:
-Political parties or other organizations that encourage acts of violence or assaulting, killing, or injuring of officials of the Government or local public entities for the reason of their being such official.
-Political parties or other organizations that encourage illegal damage or destruction of public installations or facilities.

In addition to the above, Article 5 of the "Immigration Control and Refugee Recognition Act" provides for various other conditions for denial of landing. (ANNEX 7)

Sub-paragraph (d) *- What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.*

Clause 2, Article 4-2 of the Penal Code stipulates that the Code is applicable to those who committed an act which is to be punished under international agreements, to which Japan has become a party, even in a case where the act was committed outside of Japan. Since Japan has been a party to eleven of the counter-terrorism conventions, offences set forth in the eleven conventions are punishable regardless of the place of the commission. (ANNEX 8)

Therefore, for such crimes, regardless of the places in which the planning and execution took place within Japanese territory, the Government is capable of exercising its jurisdiction and applying punishment within the obligation provided by such conventions.

Sub-paragraph (e) *- What steps have been taken to establish terrorist acts as serious criminal offences and ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.*

Of the twelve existing counter-terrorism conventions, Japan has ratified all except the "International Convention for the Suppression of the Financing of Terrorism." All acts recognized as crimes by the concluded conventions have appropriate penal regulations under domestic laws of Japan according to the seriousness of the crime. As in the case of the domestic implementation of the "International Convention for the Suppression of the Financing of Terrorism," the preparation of necessary legislation is under way, so as to formulate a penalty clause in balance with the rest of the conventions.

Sub-paragraph (f) *- What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.*

Japan has been providing maximum possible mutual legal assistance to foreign countries in accordance with its domestic legislation. As a member of INTERPOL, Japan has also ensured its readiness to cooperate in counter-terrorism measures within the framework of the organization.

Sub-paragraph (g) *- How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?*

The Immigration Bureau of the Ministry of Justice operates the "Document Examination Laboratory" at district offices located at both Narita Airport and Kansai International Airport. At these laboratories, the immigration inspectors examine travel documents etc. by using the latest and most sophisticated document identification devices. The Immigration Bureau provides the immigration inspectors with various training courses for improving their skill in examining documents.

As to "Refugee Travel Document", if an alien in Japan who has been recognized as a refugee seeks to depart from Japan, the Minister of Justice issues a Refugee Travel Document upon application by such alien, in accordance with the procedures provided for by the Ministry of Justice Ordinance. The Refugee Inquirer examines whether the applicant is a subject of investigation under suspicion of committing a crime provided by Article 1 F- (a) or (c) of the Convention relating to the Status of Refugees, etc. after she or he has been recognized as a refugee and determines whether to issue a Refugee Travel Document.

For security reasons, Japan is not able to describe in detail regarding measures taken to prevent the alteration or forging of identification in the Refugee Travel Document.

Operative Paragraph 3
Sub-paragraph (a) *- What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?*

In preparation for the effective exchange of information with other countries, the relevant government agencies have reinforced the system of integrating, assessing and sharing information under the Director of Cabinet Intelligence.

Japan has contributed to the promotion and acceleration of exchange of operational information through enhancing relationships among counter-terrorism related agencies of various countries and has strengthened linkage with INTERPOL in the field of counter-terrorism as well. In addition, Japan has established a system of information sharing, both domestic (among its government agencies) and international (with foreign governments), with regard to trends in the export of materials subject to the control of Japan's Foreign Exchange Control Law.

Japan has been making the existing exchange of information on activities related to terrorism with various counterpart agencies of foreign governments concerned, and intends to make such exchanges with the counterpart intelligence agencies of foreign governments concerned smoother and speedier by sending officials of Japan abroad on official trips following the terrorists attacks in the United States.

Sub-paragraph (b) *- What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?*

In terms of exchanging information, Japan has promoted cooperative relationships, including information sharing, with countries concerned through existing channels among security agencies and through the INTERPOL framework. Terror information involving Japan provided by foreign countries is centralized at the post of Director

of Cabinet Intelligence to enable relevant governmental agencies to coordinate their measures to prevent terrorist attacks.

Regarding cooperation to prevent the commission of terrorist acts, relevant agencies have cooperated with each other in strengthening immigration control to prevent terrorists' entry into Japan. Relevant agencies have also coordinated their efforts in reinforcing the checking of flight passengers to prevent aircraft hijacking. Further, relevant terror information obtained by Japan, including warning information, has been provided to foreign security agencies concerned in a timely and proper manner.

Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

The Government of Japan has been taking full advantage of bilateral meetings and multilateral fora, including the United Nations and the G8, to denounce terrorism in any form regardless of motive, to strengthen the international framework for the eradication of terrorism, and to call upon other countries for the implementation of effective measures against terrorist financing. In the G8, for instance, Japan has been actively involved in drawing up an Action Plan against terrorism. In view of the importance of regional cooperation involving developing countries, in addition, Japan called for strengthening such cooperation at the Lyon Summit, and has been taking the initiative in holding counter-terrorism meetings or criminal investigation seminars on cooperation to assist countries in Asia and other regions.

As regards specific cooperation measures under the international legal framework, from the standpoint of implementing the counter-terrorism conventions to which Japan is a party, as stated in Paragraph 3 Sub-paragraph (b), Japan has been making efforts to prevent hijacking of aircraft or other forms of terrorism through close cooperation among related authorities and to observe suspected criminal activities through exchange of information. To support the CTC in providing assistance to third countries regarding the fulfillment of United Nations Security Council resolutions, Japan has been sending a specialist to the CTC.

Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

Of the twelve existing counter-terrorism conventions, Japan has ratified all except the "International Convention for the Suppression of the Financing of Terrorism." Its status regarding the conclusion of the Convention is as stated in paragraph 1, sub-paragraph (b). Details of the current status are as indicated in ANNEX 9.

Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

The Government of Japan, as stated in paragraph 3 sub-paragraph (d), has ratified eleven counter-terrorism conventions, and has signed, on October 30, 2001, the "International Convention for the Suppression of the Financing of Terrorism," as the twelfth of such conventions. The Government is considering necessary legislation to gain the Diet's approval at the next plenary session. The Government has also been implementing necessary measures in accordance with relevant domestic law to fulfill its obligations as stated in United Nations Security Council resolutions 1269 (1999) and 1368 (2001).

Sub-paragraph (f) - What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

All the applicants for refugee status are investigated by the Refugee Inquirer and the Minister of Justice through interviews or reference to the public authorities. The Government of Japan does not in general reveal the details of refugee applicants in order to protect their lives and privacy.

Sub-paragraph (g) *- What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures that prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.*

Terrorists will not be recognized as refugees based on paragraph F of Article 1 of the Convention relating to the Status of Refugees. They may not enjoy the non-refoulement principle in the context of Paragraph 2 Article 33 of the Convention and Paragraph 3 Article 53 of the Immigration Control and Refugee Recognition Law. Article 61-2-2 of the Immigration Control and Refugee Recognition Law provides that the Minister of Justice shall withdraw the recognition of refugee status if the alien residing in Japan commits the crime in Article 1 F- (a) or (c) of the Convention after being recognized as a refugee.

ANNEX 1

JAPAN

STATEMENT BY

H.E. MR. KIICHI MIYAZAWA
HEAD OF DELEGATION AND FORMER PRIME MINISTER OF JAPAN

AT THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

"Taking a Comprehensive Approach to the Elimination of Terrorism"

11 NOVEMBER 2001
UNITED NATIONS, NEW YORK

(please check against delivery)

Mr. President,
Mr. Secretary-General,
Distinguished Delegates,

I would like to congratulate H.E. Dr. Han Seung-soo, Minister of Foreign Affairs and Trade of the Republic of Korea, on his assumption of the Presidency of the fifty-sixth session of the General Assembly, and to pay high tribute to him for the efficient manner in which he has been guiding this session under unprecedented circumstances. Japan is determined to continue to extend its full support to the President.

I would also like on this occasion to extend my sincere congratulations to the Secretary-General, H.E. Mr. Kofi Annan, and to the United Nations on being named the recipients of the Nobel Peace Prize this year. I believe that it is indeed a reflection of the international community's appreciation for the efforts of the United Nations, under the leadership of Secretary-General Annan, for world peace and prosperity. The challenges facing the international community, however, are becoming increasingly diverse and difficult, and Japan will cooperate fully with the activities of the United Nations in responding to these situations.

Mr. President,

I deeply mourn the deaths of the victims of the series of heinous terrorist attacks against the United States on September 11th, who have left loving families and friends in the United States and in many other countries, and would like to extend my sincere condolences to the bereaved families and to all the people and the Government of the United States.

It is no exaggeration to say that the terrorist attacks are threats against all humankind and are challenges to democracy and freedom throughout the world. The international community must establish a worldwide circle of cooperation for the elimination of terrorism.

In this context, I am encouraged that, in response to the recent attacks, the international community is taking prompt actions at the United Nations and in many other international and regional organizations and fora to prevent and eliminate terrorism. Considering the response to terrorism to be its own responsibility, Japan is determined to make utmost efforts to prevent and eliminate such acts.

Japan has made it clear that the terrorist attacks on the United States must not be linked to Islamic doctrine. It is extremely important that the international community, transcending religious and ethnic differences, take unified actions to eliminate terrorism.

Mr. President,

There are many things which the United Nations has to do in order to eliminate terrorism. It is imperative that we faithfully and immediately implement Security Council resolutions 1368 and 1373. Japan is actively contributing to the work of the Security Council in implementing resolution 1373.

It is also important that all Member States accede to and faithfully observe the twelve international conventions relating to terrorism and accelerate the work for the adoption of the Comprehensive Convention on International Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism.

Moreover, certain biological weapons, such as anthrax, can be produced with more limited funds and less advanced technologies than nuclear and chemical weapons. It is important to strengthen the Biological Weapons Convention in order to effectively prevent the production of such weapons.

Mr. President,

Japan is itself making various efforts to eliminate terrorism. First, with regard to treaties, there are two treaties concerning terrorism which Japan has either not yet signed or not yet ratified. The International Convention for the Suppression of Terrorist Bombings has recently been approved by the Diet, and Japan will immediately begin the ratification process. Japan signed the International Convention for the Suppression of the Financing of Terrorism on October 30th, and would like to ratify it as soon as possible.

In addition, Japan is ready to cooperate with developing countries in the fields of controlling of the financing of terrorism, immigration control, aviation and maritime security, anti-terrorism measures against biological and chemical weapons, and so forth.

Moreover, Japan will participate more actively in international actions against terrorism by enacting a new law to support the operations of other countries that are trying to eliminate the threat posed by the recent terrorist attacks, and to extend assistance to affected people.

In view of the importance of ensuring the stability of Afghanistan's neighbors, Japan is extending emergency economic assistance, which includes assistance to Afghan refugees, to Pakistan and other neighboring countries. Japan also decided to provide up to 120 million US dollars for Afghan refugee assistance efforts undertaken by United Nations agencies and other humanitarian organizations.

Mr. President,

With winter approaching, there is an urgent humanitarian need for the international community to deliver food and other vital goods to the people in Afghanistan. I would like to take this opportunity to call upon the international community to join forces in support of the humanitarian activities of United Nations organizations.

As we look ahead to the future, the achievement of peace and stability in Afghanistan is extremely important not only to eliminate the hotbed of global terrorism but also to lay the foundation for long-term stability and development of the country and the neighboring region. Based on this recognition, it is necessary for the international community to tackle this issue from a long-term and broad perspective.

Toward that end, it is needless to say that first of all a government must be established that has the broad support of the Afghan people, represents every ethnic group, adheres to international law and establishes friendly relations with the international community as well as with neighboring countries. However, the realities in Afghanistan do not offer a clear perspective and thus entail many unpredictable elements. Japan fully supports the activities of Secretary-General Annan and his Special Representative for Afghanistan, H.E. Mr. Lakhdar Brahimi, for the political stability in Afghanistan and will actively cooperate with them.

Japan intends to play an active role both in the peace process and in the reconstruction of Afghanistan. We have been calling for holding a Conference for Peace and Reconstruction in Afghanistan since 1996, and I would like on this occasion to reaffirm that Japan is ready to hold such conference which contributes to its peace and reconstruction at as early a time as possible and in coopération with relevant countries and organizations.

Mr. President,

Grave responsibilities for addressing problems of terrorism rest with the United Nations. Japan will spare no effort in order that this General Assembly session may be as fruitful as possible for this purpose.

Thank you very much.

ANNEX 2

IMMIGRATION CONTROL ADMINISTRATION (FOR ASIAN COUNTRIES)

	1995	1996	1997	1998	1999	2000	2001	Total
Bangladesh	1	1	2	1		1	2	8
China	1	1		1	1	1	1	6
Hong Kong	1		1	1				3
India	1							1
Indonesia	2	1			1			4
Korea	1	1		1				3
Malaysia	1	1		1	1	1	1	6
Philippine	1	1						2
Sri Lanka	1	1	1	1	1	1		6
Thailand	1	1	1	1		1	1	6
Myanmar					1			1
Bhutan			1			1	1	3
Maldives			1				1	2
Pakistan			1			1		2
Mongolia				1	1			2
Viet Nam				1	1			2
Nepal						1		1
Solomon Is.				1			1	2
Total	11	8	8	10	7	8	8	60

SEMINAR ON AVIATION SECURITY

	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	
ASIA																
Bangladesh									1		1		2	1	1	6
Hong Kong									1							1
India				1	1		1	1	1	2		1	1	1	1	11
Indonesia	1			1		2		1	2		1	1				9
Laos								1	1							2
Malaysia	1			1	1	2		1				1	1		1	9
Nepal							1				1		1			3
Pakistan		1		1	1	1		1			1			1		7
Philippine		1	2	1		1	1			1	1	1	1	1	1	12
Singapore		1														1
Sri Lanaka	1	1					1		1	1	1	1	1			8
Thailand	2	1	1	1	1	2	1			1	1	1	2	1	2	17
Viet Nam										1		1				2
Maldives												1				1
Mongolia															2	2
MIDDLE EAST																
Bahrain			1											1		2
Egypt		2	1							2	1					6
Iran							1	1	1	1	1					5
Jordan							1				1					2
Kuwait				1												1
Oman										1				1		2
Qatar							1									1
Tunisia				1								1				2
Turkey			2	1	1				1							5
Yemen				1				1								2
Morocco												1				1
Lebanon												1				1
LATIN AMERICA																
Bolivia					1										1	2
Brazil	1	1			1	1	1		1		1			1		8
Dominican Republic										1						1
Grenada								1								1
Mexico				1			1	1		1						4
Panama						1					1					2
Paraguay						1		1	1							3
Dominica												1		1		2
AFRICA																
Comoros			1													1
Ghana										1						1
Sudan					1	1										2
Swaziland								1			1					2
Tanzania							1	1						1		3
Zambia									1							1
Ethiopia												1	1	1		3
Central African Rep.													1			1
OCEANIA																
Cook Is.							1	1	1							3
Fiji Is.				1			1	1			1	1		1	1	7
Papua New Guinea								1								1
Samoa							1					1				2
Marshall Is.												1				1
Solomon Is.															1	1
Tonga															1	1
EUROPE																
Greece				1												1
Bulgaria												1				1
Macedonia													1			1
TOTAL	6	8	8	13	8	12	14	15	13	13	14	17	12	12	12	177

ANNEX 3

The Act Regarding the Control of Organizations Which Committed Indiscrminate Mass Murder

The Act Regarding the Control of Organizations Which Committed Indiscriminate Mass Murder (Law No.147, 1999)

Contents

Chapter 1 General Provisions (Articles 1-4)
Chapter 2 Control Measures (Articles 5-11)
Chapter 3 Proceedings for Control Measures (Articles 12-28)
Chapter 4 Investigation (Articles 29-30)
Chapter 5 Miscellaneous Provisions (Articles 31-37)
Chapter 6 Penalties (Articles 38-43)
Supplementary Provisions

(Definition)

Article 4. In this Act, the term "indiscriminate mass murder" means terroristic subversive activity of carrying out or attempting to carry out murder of many unspecified people (except activities which had been terminated more than ten years prior to the date when the Act took effect) listed in Article 4, Paragraph 1, Item 2 (vi) of Subversive Activities Prevention Act (Law No.240, 1952).

2. In this Act, the term "organization" means a continuous association of persons or a federation of such association, organized to achieve any particular common objective. Any agency, branch, chapter or subsidiary body of an organization, if it comes within the purview of this definition, shall be subject to control under this Act.

Chapter 2 Control Measures

(Surveillance action)

Article 5. In case when an organization of which officials or members had carried out indiscriminate mass murder by way of its activities falls under any of the particulars listed in the following items and when it is deemed necessary to continually reveal its activities, the Public Security Examination Commission may take an action to place the said organization under surveillance of the Director-General of the Public Security Investigation Agency; Provided, however, that such action shall not exceed the period of three years.

(1) A ringleader of the said indiscriminate mass murder exerts influence over the activities of the organization concerned.

(2) All or some of the members who took part in the said indiscriminate mass murder are the officials or members of the organization concerned.

(3) All or some of the members who were officials of the said organization (persons engaged in the business of the said organization who can participate in its decision making; hereinafter the same) at the time when the said indiscriminate mass murder was carried out are the officials of the organization concerned.

(4) The organization concerned has a platform that approves murder clearly or suggestively.

(5) Besides the particulars listed in the preceding items, there are sufficient facts to find that the said organization is potentially dangerous to carry out indiscriminate mass murder.

2. An organization to which an action under the preceding paragraph has been taken shall report the following particulars to the Director-General of the Public Security Investigation Agency within thirty days reckoning from the date when the said action became effective as provided by the Cabinet Order.

(1) Names, addresses and titles of officials and names and addresses of members of the organization concerned as of the date when the said action took effect.

(2) Location, lot size and usage of land provided for the activities of the organization concerned as of the date when the said action took effect.

(3) Location, scale and usage of buildings provided for the activities of the organization concerned as of the date when the said action took effect.

(4) Assets and liabilities of the organization concerned prescribed by the Cabinet Order as of the date when the said action took effect.

(5) Other particulars which the Public Security Examination Commission finds specifically necessary upon taking action under the preceding items.

3. An organization to which action under Paragraph 1 has been taken shall report the following particulars to the Director-General of the Public Security Investigation Agency within fifteen days after the passing of each period which consists of every three months originating from the day when the said action took effect until one day before such expiration date (in case when the last of the divided periods consists of less than three months, the accrued period thereof: hereinafter the same in this paragraph) as prescribed by the Cabinet Order.

(1) Names, addresses, titles of officials and names and addresses of members of the said organization as of the last day of each period concerned.

(2) Location, lot size and usage of land provided for the activities of the organization concerned as of the last day of each period concerned.

(3) Location, scale and usage of buildings provided for the activities of the organization concerned as of the last day of each period concerned.

(4) Assets and liabilities of the organization concerned prescribed by the Cabinet Order as of the last day of each period concerned.

(5) The particulars regarding the activities of the organization concerned during each period concerned prescribed by the Cabinet Order.

(6) Other particulars which the Public Security Examination Commission finds specifically necessary upon taking action under Paragraph 1.

4 The Public Security Examination Commission may renew a period if it is

deemed necessary to continuously reveal the activities of the organization to which an action under Paragraph 1 has been taken if it falls under any of the particulars listed in items of the said paragraph.

5. The provision in Paragraph 3 shall be applied mutatis mutandis when the period is renewed according to the provision of the preceding paragraph. In this case, the phrase "from the day when the said action took effect" shall be read as "from the day the period was renewed."

6. When the Director-General of the Public Security Investigation Agency receives a report according to a provision of Paragraphs 2 or 3 (including a case applied mutatis mutandis in the preceding paragraph), he shall promptly report such contents to the Commissioner-General of National Police Agency in writing.

(Cancellation of surveillance action)

Article 6. The Public Security Examination Commission shall cancel an action under Paragraphs 1 or 4 of the preceding article in case when it is no longer deemed necessary to continue revealing the activities of the organization concerned.

2. An organization to which an action under Paragraphs 1 or 4 of the preceding article may press for cancellation of the said action provided in the preceding paragraph to the Public Security Examination Commission.

(Enforcement of surveillance action)

Article 7. The Director-General of the Public Security Investigation Agency may have public security investigators carry out the necessary investigation in order to reveal the activities of an organization to which action under Paragraphs 1 or 4 of Article 5 has been taken.

2. In case when it is deemed necessary to reveal the activities of an organization to which action under Paragraphs 1 or 4 of Article 5 has been taken, the Director-General of the Public Security Investigation Agency may have public security investigators enter land or buildings owned or managed by the organization to which action under Paragraphs 1 or 4 of the said article has been taken and inspect facilities, books and documents and other objects deemed necessary.

3 Public security investigators who enter and inspect according to the provision in the preceding paragraph shall carry and present credentials indicating their official status to the parties concerned.

4 Authority to enter and inspect according to the provision in Paragraph 2 shall not be interpreted as authorized to investigate criminal activities.

(Action for prevention of recommitment)

Article 8. In the case when an organization whose officials or members carried out indiscriminate mass murder by way of its activities falls under any of the items in Article 5, Paragraph 1, and any of the following items, the Public Security Examination Commission may take all or some of the action listed in items of the following paragraph within a period not exceeding six months to the organization concerned. The same action shall be taken to an organization to which action under Paragraphs 1 or 4 of the said article has been taken when it is deemed difficult to grasp the degree of potential danger of the organization concerned in recommitting indiscriminate mass murder in case when a report according to provisions in Paragraphs 2 or 3 of the said article is not produced or when a false report is produced, or in case when entrance and inspection provided for in Paragraph 2 of the preceding article is rejected, interfered or challenged.

1 In the case when an official or member of the organization concerned murdered or attempts to murder a person, injured or attempts to commit bodily harm, or attempts to assault a person by way of its activities.

2 In the case when an official or member of the organization concerned kidnapped or attempts to kidnap a person or abducted or attempts to abduct a person by way of its activities.

3 In the case when an official or member of the organization concerned confined or attempts to confine a person by way of its activities.

4 In the case when an official or member of the organization concerned owns or attempts to own explosives, poisonous substance, raw materials for such items, firearms or their parts, or owns or attempts to own facilities to produce such items by way of its activities.

5 In the case when an official or member of the organization concerned forced or attempts to force a person to join the organization concerned or interfered or attempts to interfere with a person to withdraw from the said organization by way of its activities.

6 In the case when an official or member of the organization concerned instructed or attempts to instruct officials or members thereof according to the platform which recommends murder expressly or suggestively by way of its activities.

7 In the case when an official or member of the organization concerned increased or attempts to increase the total number of membership or assets such as land, buildings, facilities and others in a drastic manner by way of its activities.

8. Besides those listed in the preceding items, in case when it is deemed necessary to prevent the increasing danger of the organization concerned from carrying out indiscriminate mass murder.

2. The following actions may be taken according to the provisions of the preceding paragraph.

(1) Prohibition of acquisition or rental of land or buildings under any name with or without specifying the area.

(2) Prohibition of use of all or a part of specific land or buildings (not including those for exclusively residential use) owned or managed by the organization concerned.

(3) Ban on a person who participated in the said indiscriminate mass murder or who was an official of the organization concerned at the time when the said indiscriminate mass murder was carried out (hereinafter parties who were involved in the said indiscriminate mass murder) from participating in or engaging in all or a part of the activities of the organization concerned in the land or buildings provided for their activities.

(4) Prohibition to force or solicit entry into the organization concerned or to interfere withdrawal from the organization concerned.

(5) Prohibition or restriction of receipt of donation of money, articles or other property interests.

(Prohibited conducts by officials or members, etc.)

Article 9. Any official or member of an organization to which action has been taken provided in the preceding article shall not act in violation of the said action by way of its activities.

2. Any official or member of an organization to which action in the preceding article has been taken shall not perform any conduct listed in the following items after the said action takes effect.

(1) In case when an action listed in Item 1, Paragraph 2, of the preceding article has been laid onto the said organization, acquisition or rental of land or buildings for the use of the organization concerned which has been prohibited by the said action under any name.

(2) In case when action listed in Item 2, Paragraph 2 of the preceding article has been laid onto the said organization, the use of land or buildings for its use which have been prohibited by the said action.

(3) In case when an action listed in Item 3, Paragraph 2, of the preceding article has been laid onto the said organization, to have the parties who were involved in the said indiscriminate mass murder participate or engage in the activities of the said organization which have been prohibited by the said action.

(4) In case when an action listed in Item 4, Paragraph 2 of the preceding article has been laid onto the said organization, forced entry into or solicitation for the organization or interference to withdraw from the said organization which has been prohibited by the said action.

(5) In case when an action listed in Item 5, Paragraph 2 of the preceding article has been laid onto the said organization, receipt of money, articles or other property interests as gifts in order to look after its interests which have been prohibited by the said action.

3. In case when an action listed in Item 3, Paragraph 2, of the preceding article has been laid onto the said organization, the parties concerned in the said indiscriminate mass murder shall neither participate nor engage in the activities of the said organization after the said action which prohibits any participation or engagement becomes effective.

ANNEX 4

SUBVERSIVE ACTIVITIES PREVENTION ACT

(Japan)

SUBVERSIVE ACTIVITIES PREVENTION ACT

NOTES

The Principal Act	Law No. 240, Jul. 21, 1952
Date of Enforcement	Jul. 21, 1952
Ammendments	Law No. 268, Jul. 31, 1952
	Law No. 163, Jun. 8, 1954
	Law No. 140, May 16, 1962
	Law No. 161, Sept. 15, 1964

ANALYSIS

Chapter 1 General Provisions (Articles 1-4)
Chapter 2 Control of Subversive Organizations (Articles 5-10)
Chapter 3 Procedure for control of Subversive Organizations (Articles 11-26)
Chapter 4 Investigation (Articles 27-34)
Chapter 5 Miscellaneous Provisions (Articles 35-37)
Chapter 6 Penalties (Articles 38-45)
Supplementary Provisions

Chapter 1 General Provisions

(Purposes of this Act)

Article 1. The purposes of this Act shall be to prescribe necessary actions to control organizations which shall have carried on any terroristic subversive activity by way of their activity and to provide penalties for terroristic subversive activities, thereby contributing to the securing of public safety.

(Interpretation and application of this Act)

Article 2. This Act, having a grave bearing upon the fundamental human rights of the people, shall be applied only within the limits of the minimum necessity for the securing of public safety, and shall not be subject to any extended interpretation at all.

(Standards of control)

Article 3. 1. Any control action and investigation for control under this Act shall be taken and conducted only within the limits of the

minimum necessity to achieve the purposes as specified in Article 1, and shall not under any circumstances whatever be carried out, in deviation from the prescribed authority, to unlawfully infringe freedoms of thought, worship, assembly, association, expression and learning, the right of laborers to unite and act collectively or any other liberty or right of the people which is guaranteed by the Japanese Constitution.

2. The control and investigation for control under this Act shall not on any account whatever be improperly carried out to restrict or interfere with any lawful activity by labor unions and other organizations.

(Definitions)

Article 4. 1. In this Act, the term "terroristic subversive activity" means:

(1) (i) To perform the act as referred to in Article 77 (internal disturbance) of the Penal Code (Law No. 45 of 1907), Article 78 (the preparation or plot of internal disturbance), Article 79 (aid of internal disturbance and other offences), Article 81 (inducement of foreign incursion), Article 82 (aid of foreign incursion), Article 87 (attempted inducement or aid of foreign incursion) or Article 88 (the preparation or plot of inducement or aid of foreign incursion) of said Code;

Ref.: Penal Code.

Article 77. Every person who has committed an insurrectionary or seditious act with intent to overthrow the Government, seize the territory of the State, or otherwise subvert the national constitution shall be guilty of the crimes of civil war and be punished subject to the following distinctions:

(1) The ringleaders, with death or imprisonment for life;

(2) Those who have participated in the plot or held a command in the mob, with imprisonment for life or not less than three years; those who have engaged in various other functions, with imprisonment for not less than one year nor more than ten years;

(3) Followers and those who have merely jointed in the insurrectionary or seditious act, with imprisonment for not more than three years.

An attempt of the crime of the preceding paragraph shall be punished, except in the case of persons mentioned in No. 3 of the preceding paragraph.

Article 78. Every person who has prepared or conspired for civil war shall be punished with imprisonment for not less than one year nor more than ten years.

Article 79. Every person who has aided and assisted in a crime of the preceding two Articles by furnishing arms, monies, or provisions, or by other acts, shall be punished with imprisonment not exceeding seven years.

Article 81. Every person who conspired with any foreign state and thereby caused the said state to use force of arm against the state of Japan shall be condemned to death.

Article 82. Every person who, when a foreign state used force of arm against the state

of Japan, has entered into the military service of the said state aiding with it or has benefited it militarily shall be condemned to death or punished with penal servitude for life or not less than two years.

Article 87. Attempts of the crimes of Articles 81 and 82 shall be punished.

Article 88. Every person who has made preparations or has plotted for any of the crimes specified in Articles 81 and 82 shall be punished with penal servitude for not less than one year nor more than ten years.

(ii) To incite to any of the acts as referred to in (i) above;

(iii) To instigate the act as referred to in Article 77, 81 or 82 of the Penal Code, with a view to causing such act to be performed;

(iv) With a view to causing the act as referred to in Article 77, 81 or 82 of the Penal Code to be performed, to print, distribute to a number of persons or post openly, any document or drawing claiming the propriety or necessity of the performance of such act; or

(v) With a view to causing the act as referred to in Article 77, 81 or 82 of the Penal Code to be performed, to communicate by wireless or by wire broadcasting any assertion of the propriety or necessity of the performance of such act.

(2) With a view to promoting, supporting or opposing any political doctrine or policy, to perform any of the following acts:

(i) the act as referred to in Article 106 of the Penal Code (riot);

Ref.: Penal Code.

Article 106. Persons who by assembling in large numbers have used violence or threats shall be guilty of crime of riot and be punished in accordance with the following classification:

(1) The ringleaders, with penal servitude or imprisonment for not less than one year nor more than ten years;

(2) Those who have directed others or have led others and encouraged the disturbance, with penal servitude or imprisonment for not less than six months nor more than seven years;

(3) Those who have merely followed, with a fine not exceeding fifty yen.

(ii) the act as referred to in Article 108 (wilful setting on fire of occupied houses or buildings) or Article 109 paragraph 1 (wilful setting on fire of unoccupied houses or buildings) of said Code;

Ref.: Penal Code.

Article 108. Every person who has set fire to and burned a building, train, electric car, ship, or mine being used as a human habitation or containing persons shall be condemned to death or punished with penal servitude for life or not less than five years.

Article 109. Every person who has set fire to and burned a building, train, ship, or mine

not being then used as a human habitation or not containing persons shall be punished with limited penal servitude for not less than two years.

(iii) the act as mentioned in the former part of the provisions of Article 117 paragraph 1 of said Code (criminal explosion of high explosives);

Ref.: Penal Code.

Article 117. Every person who has caused an explosion of gunpowder, steamboiler, or other thing liable to explode (burst) and (thereby) damaged or destroyed a thing mentioned in Article 108, or a thing mentioned in Article 109 and which is the property of another person, shall be punished as for arson.

(iv) the act as referred to in Article 125 of said Code (endangering of traffic of trains, electric trains, street cars and so forth);

Ref.: Penal Code.

Article 125. Every person who has damaged or destroyed a railway or signal thereof or has otherwise caused danger to train or electric car traffic shall be punished with limited penal servitude for not less than two years.

The same shall apply to every person who has damaged or destroyed a lighthouse or a buoy or who has otherwise caused danger to shipping traffic.

(v) the act as referred to in Article 126 paragraph 1 or 2 (overturning of trains, electric trains, street cars and so forth) of said Code;

Ref.: Penal Code.

Article 126. Every person who has upset or destroyed a train or electric car containing persons shall be punished wih penal servitude for life or not less than three years.

The same shall apply to every person who has capsized or destroyed a ship containing persons.

(vi) the act as referred to in Article 199 of said Code (murder);

Ref.: Penal Code.

Article 199. Every person who has killed another person shall be condemned to death or punished with penal servitude for life or not less than three years.

(vii) the act as referred to in Article 236 paragraph 1 of the same Code (robbery);

Ref.: Penal Code.

Article 236. Every person who has forcibly taken property of another person by violence or threat shall be guilty of the crime of robbery and be punished with limited penal servitude for not less han five years.

(viii) the act as referred to in Article 1 of the Penal Regulations to control explosives (Cabinet Ordinance No. 32 of 1884) (criminal use of explosives);

(ix) the act as referred to in Article 95 of the Penal Code (interference with exercise of official duties or exaction of exercise of official duties) and performed collectively by carrying any deadly

weapon or poison against any person engaged in procuratorial or police duties, any assistant to such official, any person who guards or escorts persons detained by law, or any person engaged in investigation under this Act; and

Ref.: Penal Code.

Article 95. Every person who has used violence or threats against a public official in the performance of his duties shall be punished with penal servitude or imprisonment not exceeding three years.

The same shall apply to every person who has used violence or threats against a public official with an intention of causing him to make or refrain from making a disposition or of causing him to resign from his post.

(x) to prepare, plot, or incite to, any of the acts as referred to in (i) to (ix) above, or to instigate any such act with a view to causing such act to be performed.

2. In this Act the term "instigate" means, with a view to causing any particular act to be performed, to cause a person or persons, by means of any document, drawing, speech or action, to make a resolution to perform such act, or to give a stimulus having such force as shall promote a resolution already in process of making.

3. In this Act the term "organization" means a continuous association of persons, or a federation of such associations, organized to achieve any particular common objective. Any agency, branch, chapter or subsidiary body of an organization, if it comes within the purview of this definition, shall be subject to control under this Act.

Chapter 2 Control of Subversive Organizations

(Restriction on organization activity)

Article 5. 1. Whenever the Public Security Examination Commission shall have sufficient ground to find that there is clear danger of an organization which has performed any terroristic subversive activity by way of its activity to perform again in the future any such subversive activity continuously or repeatedly by way of the activity of the organization, the Commission may take any of the following actions to such organization; Provided, however, that such action shall not exceed the necessary and reasonable limits for the elimination of such danger:

(1) in the case such terroristic subversive activity has been performed in a mass demonstration or procession or public gathering, to prohibit the carrying out of any demonstration, procession or

public gathering in any place fixed for a period not exceeding six months;

(2) in the case such terroristic subversive activity has been performed by means of any organ of the organization (any publication continuously issued by the organization to advocate, communicate or propagate the objective, doctrine or policy of the organization), to prohibit for a period fixed not exceeding six months to continue to print such journal or distribute its copies to a number of persons; and

(3) to prohibit for a period fixed not exceeding six months to cause any particular officer, official (the representative, executive officer or any other person engaged in the business of the organization: hereinafter the same) or member of the organization who shall have taken part in such terroristic subversive activity to perform any act in the interest of the organization.

2. After any action under the preceding paragraph becomes effective, no person shall perform any act against the objective of such action in the capacity of the officer, official or member of such organization: Provided, however, that this shall not apply, in the case of effectuation of the action as laid down in (3) of the same paragraph, to any act by any officer, official or member of the organization concerned which is ordinarily deemed necessary for litigation involving the validity of such action.

(Prohibition of evasion)

Article 6. Any officer, official or member of any organization to which any action under paragraph 1 of the preceding article has been taken shall not under any name whatever perform any act to evade the prohibition as laid down in pargraph 2 of the same article.

(Declaration of dissolution)

Article 7. The Public Security Examination Commission may take action to declare any organization coming under any of the following categories to be dissolved, if there is sufficient ground to find that there is clear danger of such organization to perform again in the future any terroristic subversive activity continuously or repeatedly by way of the activity of the organization and in the opinion of the Commission any action under Article 5 paragraph 1 will be unable to effectively eliminate such danger:

(1) organizations which have performed by way of their activity any

such terroritic subversive activity as referred to in Article 4 paragaph 1 (I);

(2) organizations which have performed by way of their activity any such terroristic subversive activity as mentioned in Article 4 paragraph 1 (2) (i) to (ix) inclusive or which have started but not accomplished such activity, or have incited or, with a view to causing such activity to be performed, instigated persons to such activity and caused them to perform such activity; and

(3) organizations to which any action under Article 5 paragraph 1 has been taken and which have again performed any terroristic subversive activity by way of their activity.

(Prohibition of acts to be performed in the interest of organizations)

Article 8. After any action urder the preceding article shall become effective, any person who shall have been an officer, official or member of the organization concerned on and after the date on which the terroristic subversive activity occasioning such action shall have been carried on shall not perform after the date on which such action shall become effective any act in the interest of the organization: Provided, however, that this shall not apply to any act which is ordinarily deemed necessary for litigation involving the validity of such action or for the liquidation or winding up of the property or affairs of the organization.

Amendments by Law No.89 of 1993 and Law No.91 of 1995

Law No.91 of 1995 changed the expression of (i) of (1) of Article 4 Paragraph 1 "Article 87 (attempted inducement or aid of foreign incursion) or Article 88 (the preparation or plot of inducement or aid of foreign incursion)," to read "Article 87 (attempts) or Article 88 (preparations or plots)."

Law No.91 of 1995 also changed the expression of (ﾇ) of (2) of Article 4 Paragraph 1 "the act as referred to in Article 125 of said Code (endangering of traffic of trains, electric trains, street cars and so forth)," to read "the act as referred to in Article 125 of said Code (endangering of traffic)."

ANNEX 5

Arms and Arms Production-related Equipment Listed as Item 1 of the Annexed List 1 of the Export Trade Control Order

(1) Firearms and cartridges to be used therefor (including those to be used for emitting light or smoke), and accessories thereof (excluding rifle-scopes), as well as parts thereof.

(2) Ammunition (excluding cartridges), and equipment for its dropping or launching, and accessories thereof, as well as parts thereof.

(3) Explosives (excluding ammunition) and military fuel.

(4) Explosive stabilizers.

(5) Directed energy weapons and parts thereof.

(6) Kinetic energy weapons (excluding firearms) and equipment for their launching, as well as parts thereof.

(7) Military vehicles, and accessories thereof, and bridges for military use, as well as parts thereof.

(8) Military vessels, and hulls and accessories thereof, as well as parts thereof.

(9) Military aircraft and accessories thereof, as well as parts thereof.

(10) Anti-submarine nets and anti-torpedo nets as well as buoyant electric cable for sweeping magnetic mines.

(11) Armor plates, military helmets, and bullet-proof jackets, as well as parts thereof.

(12) Military searchlights and control equipment thereof.

(13) Bacterial, chemical, and radio-active agents for military use, as well as equipment and parts thereof for dissemination, protection, detection, or identification thereof.

(14) Biopolymers for detection and identification of chemical agents for military use and cultures of cells for production thereof, as well as biocatalysts for decontamination and degradation of chemical agents for military use and expression vectors, viruses or cultures of cells containing the genetic information necessary for production thereof.

(15) Equipment and parts thereof for the production or testing of military explosives.

(16) Equipment for the production or testing of arms, as well as parts and accessories thereof.

ANNEX 6

IMMIGRATION CONTROL AND REFUGEE RECOGNITION ACT & ALIEN REGISTRATION LAW

(PROVISIONAL TRANSLATION)

APRIL 2000

IMMIGRATION BUREAU
MINISTRY OF JUSTICE
JAPAN

IMMIGRATION CONTROL AND REFUGEE RECOGNITION ACT (PROVISIONAL TRANSLATION)

Cabinet Order No.319 of 1951
Latest Amendment: Law No. 160 of 1999

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Note : The term "he" as used in this provisional translation refers to persons of either gender.

(Deportation)

Article 24. Any alien who comes under any one of the following items may be deported from Japan in accordance with the procedures provided for in the following chapter:

(1) Any person who has entered Japan in violation of the provision of Article 3;

(2) Any person who has landed in Japan without obtaining landing permission, etc. from an Immigration Inspector ;

(3) Deleted;

(4) Any alien in Japan (except for those to whom permission for provisional landing, permission for landing at port of call, permission for landing in transit, landing permission for crewman, or landing permission due to disaster has been granted) who comes under any one of the following sub-items:

a. Any person who is clearly found to be engaged solely in activities involving the management of a business involving income or activities for which he receives remuneration in violation of the provisions of Article 19, Paragraph 1;

b. Any person who stays in Japan beyond the period of stay authorized without obtaining an extension or change thereof;

c. Deleted;

d. Deleted;

e. Any person who has been punished for violation of the provisions of Article 74 to 74 (6), or 74 (8);

f. Any person who has been sentenced to imprisonment or a heavier penalty for violation of the provision of laws and ordinances relating to the alien registration except for those who have been sentenced guilty with suspension of execution of the sentence;

g. Any person who is a juvenile provided for by the Juvenile Law (Law No.168 of 1948) and who has been sentenced after November 1, 1951, to penal servitude or imprisonment of not less than 3 years;

h. Any person who has been convicted later than November 1, 1951, for the violation of a provision of the Narcotics and Psychotropic Substances Control Law, Marijuana Control Law, Opium Law, Stimulants Control Law, Law Concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Law No.94 of 1991) or Book II, Chapter XIV of the Penal Code (Law No.45 of 1907);

i. Except for those under Sub-items (e) to (h), any person who has been punished after November 1, 1951, with penal servitude or imprisonment for life or for a period of not less than 1 year. However, this shall not apply to those sentenced guilty with suspension of execution of the sentence;

j. Any person who is engaged in prostitution or procuring prostitutes for others, solicitation, furnishing of the place for prostitution, or any other business directly connected with prostitution;

k. Any person who has incited, instigated, or aided the illegal entry or illegal landing of an alien into Japan;

l. Any person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any other organization which attempts or advocates the same;

m. Any person who organizes, or is a member of, or is closely associated or affiliated with any of the following political parties or other organizations:

1) Any political party or organization that encourages acts of violence or assaulting, killing, or injuring officials of the Government or local public entities for the reason of their being such officials;

2) Any political party or organization that encourages illegal damage or destruction of public installations or facilities;

3) Any political party or organization that encourages an act of dispute, such as, stopping or preventing normal maintenance or operation of security equipment of a plant or a place of work.

n. Any person who has prepared, distributed or displayed printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization provided for in Subitem (1) or (m);

o. Any person except those coming under Subitems (a), (b) and (e) to (n), who the Minister of Justice determines has committed acts detrimental to the interests or security of Japan.

(5) Any person who has been grant permission for a provisional landing and escapes or fails to comply with a summons without justifiable reason in violation of the conditions imposed based on Article 13, Paragraph 3;

(5)-2 Any person who has been ordered to leave Japan based on the provisions of Article 10, Paragraph 9, or Article 11, Paragraph 6 but does not leave without delay.

(6) Any person grant permission for landing at a port of call, permission for landing in transit, landing permission for crewman, permission for emergency landing, landing permission due to disaster or landing permission for temporary refuge who stays in Japan beyond the period entered in his passport or permit;

(6)-2 Any person who has been designated a period based on the provisions of Article 16, Paragraph 7, but does not return to his vessel or leave Japan within that period.

(7) Any person provided for in Article 22-2, Paragraph 1, who stays in Japan beyond the period prescribed in Article 22-2, Paragraph 1, without receiving permission pursuant to the same Article Paragraph 3, applicable correspondingly to Article 20, Paragraphs 3 and 4 or pursuant to Article 22-2, Paragraph 4, applicable correspondingly to Article 22, Paragraphs 2 and 3.

ANNEX 7

SECTION II LANDING OF AN ALIEN

Article 4. Deleted

(Denial of Landing)

Article 5. Any alien who falls within any one of the following items shall be denied permission for landing in Japan:

(1) A patient who falls in any of the following categories of the infections, which are provided for by the Law Concerning Prevention of Infections and Medical Care for Patients of Infections (Law No.114, 1998); category 1 or category 2 infections or designated infections (in respect of the infections to which the provisions of Article 19 or 20 of the Act shall apply, in accordance with the Cabinet Order under the provisions of Article 7 of the Act) including a person who is regarded as a patient of category 1 or category 2 infections or designated infections under the provisions of Article 8 of the Act, or any person who has symptoms of new infections;

(2) Any person who is mentally defective as prescribed by the Law Concerning Mental Health And Welfare For The Mentally Disabled (Law No. 123 of 1950);

(3) Any person who is a pauper, vagrant, etc., and is likely to become a burden on the Japanese Government or a local public entity because of inability to make a living;

(4) Any person who has been convicted of a violation of any law or regulation of Japan, or of any other country, and sentenced to penal servitude or imprisonment for 1 year or more, or to a penalty equivalent thereto except for those convicted of a political offense;

(5) Any person who has been convicted of a violation of any law or regulation of Japan or of any other country relating to control of narcotics, marijuana, opium, stimulants or psychotropic substances and sentenced to a penalty;

(6) Any person who illegally possesses any narcotics or psychotropic substances as provided for by the Narcotics and Psychotropic Substances Control Law (Law No.14 of 1953), or marijuana as provided for by the Marijuana Control Law (Law No. 124 of 1948), or poppy, opium or poppy plant as provided for by the Opium Law (Law No.71 of 1954), or stimulants or raw materials used for stimulants as provided for by the Stimulants Control Law (Law No. 252 of 1951), or any other paraphernalia used for smoking or eating opium;

(7) Any person who engages or has engaged in prostitution, or procuring prostitutes for other persons or solicitation or furnishing a place for prostitution, or any other business directly connected with prostitution;

(8) Any person who illegally possesses firearms or swords, etc. provided for by the Law for Controlling the Possession, etc. of Firearms, Swords, etc. (Law No. 6 of 1958) or explosives provided for by the Explosives Control Law (Law No.149 of 1950);

(9) Any person who has been denied landing for coming under the provision of either Item (6) or the preceding item and 1 year has not yet elapsed from the date of the denial, or

any alien who has been deported from Japan for coming under any one of the items of Article 24 (except for Item (4), Sub-items (1) to (o)) and 5 years has not elapsed from the date of the deportation;

(10) Any person who has been deported from Japan for coming under any one of Article 24, Item (4), Sub-items (1) to (o);

(11) Any person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any organization which attempts or advocates the same;

(12) Any person who organizes, or is a member of, or is closely affiliated with any of the following political parties or organizations:

a. Any political party or organization that encourages acts of violence or assaulting, killing, or injuring of officials of the Government or local public entities for the reason of their being such officials;

b. Any political party or organization that encourages the illegal damage or destruction of public installations or facilities;

c. Any political party or organization that encourages an act of dispute such as stopping or preventing normal maintenance or operation of security equipment of a plant or place of work.

(13) Any person who attempts to prepare, distribute, or display printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization provided for in Item (11) or the preceding item;

(14) Any person except those coming under the preceding items who the Minister of Justice has reasonable grounds to believe may commit an act which could be detrimental to the interests or public security of Japan.

2. Even in the case where an alien seeking to land in Japan does not come under any of the items of the preceding paragraph, if the country whereof he is a national or citizen denies landing of a Japanese national therein for any reasons other than those mentioned in the items of the same paragraph, the Minister of Justice may deny his landing for the same reasons.

ANNEX 8

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THE PENAL CODE

(Law No. 45 of 1907, as amended by Law No. 77 of 1921, Law No. 61 of 1941, Law No. 124 of 1947, Law No. 195 of 1953, Law No. 57 of 1954, Law No. 107 of 1958, Law No. 83 of 1960, Law No. 124 of 1964, Law No. 61 of 1968, Law No. 30 of 1980, Law No. 58 of 1987, Law No. 31 of 1991)

BOOK I. GENERAL PROVISINS

Chapter I. Scope of Application

Article 1. (Domestic Crimes) This Code shall apply to any person who commits a crime within Japan.

2. It shall also apply to any person who commits a crime on board a Japanese vessel or air craft outside Japan.

Article 2. (Crimes outside Japan) This Code shall apply to any person who commits one of the following crimes outside Japan:

(1) Delated;
(2) The crimes provided for in Articles 77 to 79;
(3) The crimes provided for in Articles 81, 82, 87 and 88;
(4) The crimes provided for in Article 148 as well as attempts thereof;
(5) The crimes provided for in Articles 154, 155, 157 and 158 and the crime regarding electro-magnetic record which shall be produced by public office or by public official in Article 161-2;
(6) The crimes provided for in Articles 162 and 163;
(7) The crimes provided for in Articles 164 to 166 as well as attempts of crimes provided for in paragraph 2 of Article 164, paragraph 2 of Article 165, and paragraph 2 of Article 166.

Article 3. (Crimes by Japanese outside Japan) This Code shall apply to a Japanese who commits one of the following crimes outside Japan:

(1) The crimes provided for in Article 108 and paragraph 1 of Article 109, and crimes which shall be dealt with in the same way as in the case of committing the crime provided for in Article 108 and paragraph 1 of Article 109, as well as attempts of the above-mentioned crimes;
(2) The crime provided for in Article 119;
(3) The crimes provided for in Articles 159 to 161 and the crime regarding electro-magnetic record prescribed in Article 161-2 except that which shall fall within paragraph (5) of the preceding Article;
(4) The crime provided for in Article 107 and an attempt of the crime provided for in paragraph 2 of that Article;
(5) The crimes provided for in Articles 176 to 179, 181 and 184;
(6) The crimes provided for in Articles 199 and 200 and attempts thereof;

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(7) The crimes provided for in Articles 204 and 205;
(8) The crimes provided for in Articles 214 to 216;
(9) The crimes provided for in Article 218 and the crime of killing or injuring a person as a result of the commission of those crimes;
(10) The crimes provided for in Articles 220 and 221;
(11) The crimes provided for in Articles 224 to 228;
(12) The crimes provided for in Article 230;
(13) The crimes provided for in Articles 235 to 236, 238 to 241 and 243;
(14) The crimes provided for in Articles 246 to 250;
(15) The crime provided for in Article 260;
(16) The crime provided for in paragraph 2 of Article 256.

Article 4. (Crime by Public Officer outside Japan) This Order shall apply to a public officer of Japan who commits one of the following crimes outside Japan:
(1) The crime provided for in Article 101 as well as an attempt thereof;
(2) The crime provided for in Article 156;
(3) The crimes provided for in Article 193, paragraph 2 of Article 195 and Articles 197 to 197-4, and the crime of killing or injuring a person through the commission of the crime provided for in paragraph 2 of Article 195.

Article 4-2. (Crimes Committed outside Japanese Territory to Be Governed by Treaty) Besides the preceding three Articles, this Law shall also apply to every person who has committed outside Japanese territory those crimes mentioned in Book II which are considered to be punishable by a treaty even if committed outside Japanese territory.

Article 5. (Effect of Foreign Judgment) Even when an irrevocable decision has been rendered in a foreign country against a person's criminal act, it shall not preclude a further imposition of punishment in Japan in regard to the same act; provided that when the criminal has already served either in whole or in part the punishment pronounced abroad, execution of punishment shall be reduced or excused.

Article 6. (Change of Punishment) When a punishment is changed by law after the commission of a crime, the lesser punishment shall be applied.

Article 7. (Public Officer; Public Office) The term "public officer" as used in this Code means a government official, a local government official, or a member of an assembly or committee, or other employee engaged in the performance of public duties in accordance with laws or ordinances.
2. The term "public office" means an office where public officers perform their duties.

Article 7-2. (Definition) In this Code, "electro-magnetic record" means any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive function and is used for data processing by a computer.

Article 8. (Application of General provisions) The general provisions of this Code shall also apply to crimes for which punishments are provided for by other laws or ordinances, except as otherwise provided for in such laws or ordinances.

Chapter II. Punishment

Article 9. (Categories of Punishments) Principal punishments are classified as death, Imprisonment at forced labor, imprisonment without forced labor, fine, penal detention, minor fine, and imprisonment, confiscation is a supplemental punishment.

Article 10. (Gravity of Punishments) The order of gravity of principal punishments shall be according to the order in which they are mentioned in the preceding Article; provided that imprisonment without forced labor for life is heavier than imprisonment at forced labor for a limited term, and imprisonment without forced labor for a limited term is heavier than imprisonment at forced labor for a limited term when the maximum term prescribed for the former exceeds the term twice as long as that prescribed for the latter.
2. Within the same category of punishments, the punishment prescribed with a higher maximum term or amount is the heavier; and when the maximum terms or amounts are equal, the punishment prescribed with higher minimum term or amount is the heavier.
3. Between two or more death penalties or punishments of the same category which have equal maximum and minimum terms or amounts, the order of gravity shall be determined according to the circumstances of the crimes.

Article 11. (Death Penalty) The death penalty shall be executed by hanging at a prison.
2. A person who has been condemned to death shall be confined in prison until the punishment is executed.

Article 12. (Imprisonment at Forced Labor) Imprisonment at forced labor shall be either for life or for a limited term, and a limited term of imprisonment at forced labor shall be not less than one month nor more than 15 years.
2. Imprisonment at forced labor shall consist of confinement in prison and forced labor.

Article 13. (Imprisonment without Forced Labor) Imprisonment without forced labor shall be either for life or for a limited term, and a limited term of imprisonment shall be not less than one month nor more than 15 years.
2. Imprisonment without forced labor shall consist of confinement in prison.

Article 14. (Limit of Aggravation and Reduction) In case imprisonment at or without forced labor for a limited term shall be aggravated, the term may be extended to 20 years, and in case it shall be reduced, the term may be decreased to less than one month.

Article 15. (Fine) A fine shall be not less than 10,000 yen; provided that in case it shall be reduced, the amount may be decreased to less than 10,000 yen.

ANNEX 9

Status of Conclusion by Japan regarding the Counter-Terrorism Related Conventions

As of December 2001

Convention	Date of Signature by Japan	Date of Conclusion by Japan
Convention on Offences and Certain Other Acts Committed on Board Aircraft	September 14, 1963	May 26, 1970
Convention for the Suppression of Unlawful Seizure of Aircraft	December 16, 1970	April 19, 1971
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation		June 12, 1974
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents		June 8, 1987
International Convention against the Taking of Hostages	December 22, 1980	June 8, 1987
Convention on the Physical Protection of Nuclear Material		October 28, 1988
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971		April 24, 1998
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation		April 24, 1998
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf		April 24, 1998
Convention on the Marking of Plastic Explosives for the Purpose of Detection		September 26, 1997
International Convention for the Suppression of Terrorist Bombings	April 17, 1998	November 16, 2001
International Convention for the Suppression of the Financing of Terrorism	October 30, 2001	

United Nations S/2001/1307

Security Council

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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Kazakhstan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-20694 (E) 050202 260202

Annex

[Original: English]

Letter dated 26 December 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour of enclosing a report from Kazakhstan to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Madina B. **Jarbussynova**

Enclosure

[Original: Russian]

Report to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001) of 28 September 2001

Republic of Kazakhstan

The Republic of Kazakhstan reaffirms its resolve to actively combat terrorism in all its manifestations and reiterates its readiness to use all the powers and means at its disposal to support the international community's counter-terrorism measures.

The relevant instructions have been issued to competent State bodies by the country's leadership. A meeting of the Security Council of the Republic of Kazakhstan on counter-terrorism — presided over by the Head of State — was convened to address the domestic and external situation, including measures to combat international terrorism. Decisions were adopted on supplementary measures to strengthen national borders, tighten customs controls, identify extremist and unlawful groupings, prevent illegal migration and strengthen law and order.

An interdepartmental meeting was held on the question of freezing the financial assets of terrorists and terrorist organizations. In follow-up to the meeting, the tracing of accounts and funds possibly belonging to international terrorists and their sponsors has commenced. This work also makes use of information supplied by States that are partners of the Republic of Kazakhstan in the counter-terrorism coalition.

National legal basis for counter-terrorism efforts

The adoption of effective measures to combat and outlaw terrorism is a priority both of domestic and of foreign policy. The existing normative and legal basis for combating this phenomenon has facilitated the development of a strategy which incorporates ideological, information-based and institutional measures to combat terrorism and prevent and suppress terrorist activities in the Republic of Kazakhstan.

The Act "On measures to combat terrorism" has been in force in the Republic since July 1999. A Presidential Decree on measures to counteract terrorism and extremism was issued in February 2000; in November 2000, a State programme for combating terrorism and other forms of extremism and separatism in the Republic of Kazakhstan (2000-2003) was approved. With the adoption of a national security strategy for the Republic of Kazakhstan (1999-2005), the conceptual framework for maintaining national security — as laid out in the Strategy for the Development of Kazakhstan through 2030 — was given concrete expression.

Decree No. 1644 of the Government of the Republic of Kazakhstan on measures for implementing United Nations Security Council resolution 1373 of 28 September 2001 was adopted on 15 December 2001, instructing ministries and government departments to take the necessary measures to counteract and outlaw terrorism.

Among the bills scheduled for consideration by the Government in 2002 are: a bill on accession by the Republic of Kazakhstan to the Convention on Laundering,

Search, Seizure and Confiscation of the Proceeds from Crime; and a bill on combating the legalization (laundering) of proceeds from crime.

It can be seen from article 10 of the Act "On measures to combat terrorism" that the advocacy of terrorism and the establishment, registration or operation of terrorist organizations and unlawful militarized groupings are prohibited in the territory of the Republic of Kazakhstan.

In accordance with article 7 of the same Act, the State bodies engaged in counter-terrorism efforts (National Security Committee, Ministry of Internal Affairs, Presidential Security Service and Ministry of Defence of the Republic of Kazakhstan) are responsible for forestalling and suppressing terrorist activities, including: the recruitment, arming or deployment of terrorists for terrorist acts, as well as their training in terrorist methods.

The Criminal Code establishes the list of offences to be considered as terrorist offences, which carry sanctions ranging from four to fifteen years' imprisonment, including in the following articles:

Article 162: Recruitment, training, funding or other material support of a mercenary;

Article 163: Attack on a person or organization enjoying international protection;

Article 167: Endangering the life of a government or public figure;

Article 233: Terrorism;

Article 234: Hostage-taking;

Article 238: Seizure of buildings, installations, means of transport and means of communication;

Article 251: Unlawful procurement, transfer, sale, storage, transport or carrying of weapons, ammunition, explosive substances and explosive devices.

Provisions have been incorporated in criminal legislation and in agreements concluded by the Republic of Kazakhstan to forestall the use of the territory of the Republic of Kazakhstan by abettors, sponsors and accomplices of terrorist acts directed against other States or their nationals.

Following the adoption of Security Council resolution 1373 (2001) and in accordance with most of the provisions of the Counter-Terrorism Committee's Guidance for the submission of reports, a bill (currently undergoing internal processing) was drafted on amending and supplementing certain legislative acts of the Republic of Kazakhstan on questions of counter-terrorism — including the Act "On measures to combat terrorism" and the Criminal Code — with a view to increasing liability and sanctions for establishing, leading and participating in terrorist organizations.

The international community

Kazakhstan is actively engaged in developing a system for countering terrorism at the regional and international levels. Several bilateral and multilateral agreements have been concluded to that end, including the 2000 Tashkent Agreement between four Central Asian States on joint action to fight terrorism,

political and religious extremism, transnational organized crime and other factors threatening the stability and security of the Parties and the 2001 Convention on Combating Terrorism, Separatism and Extremism between member States of the Shanghai Cooperation Organization. Kazakhstan also contributed to the establishment of the Commonwealth of Independent States (CIS) Anti-Terrorist Centre. A similar mechanism is currently being established in the framework of the Shanghai Cooperation Organization.

The Programme of the States members of CIS to Suppress International Terrorism and Other Manifestations of Extremism to the Year 2000 — and, later, to 2003 — approved by the Council of the CIS Heads of State on 17 May 1996 has become a basis for the development of a repertoire of legislation and concrete joint measures for combating transnational organized crime. On 25 January 2000, the Council adopted a decision on counteracting international terrorism in the light of the results of the Istanbul Summit of the Organization for Security and Cooperation in Europe.

Kazakhstan has concluded bilateral cooperation agreements on combating terrorism and international organized crime with the Federal Republic of Germany, Hungary, Pakistan, China, Uzbekistan, the Russian Federation, Kyrgyzstan, Georgia, Moldova, Ukraine, Lithuania and Turkey. Internal approval has been received for similar agreements with India and Poland.

The Republic of Kazakhstan is cooperating with other States in the prevention, identification and suppression of acts definable as terrorists acts, inter alia by exchanging information, meeting requirements for conducting intelligence investigations and taking steps to combat financing of terrorism and supplying of weapons and ammunition.

Under national legislation and international treaties, the competent bodies in Kazakhstan have evolved a mechanism for exchanging intelligence on counteracting terrorism and extremism with the special services of foreign States. Information on the establishment within the Ministry of Internal Affairs of a unit for counteracting terrorism and religious extremism was transmitted to the CIS Anti-Terrorist Centre and to special units within the Ministries of Internal Affairs of CIS countries, China and Turkey; an exchange has also been established on the issue and joint efforts are being carried out with the National Central Bureau of Interpol in Kazakhstan.

Cooperation is also under way on agreed preventive intelligence and special operations to avert, expose and suppress crimes including terrorist and extremist acts, hostage-taking and use of illegal migration channels as well as to exchange information on members inter alia of terrorist, extremist and separatist organizations, and on persons involved in those organizations; to investigate and detain them; and to cut off their travel routes in CIS territory. *For example, in May 2001, following a tip from the competent bodies in Tajikistan, two Tajik nationals, Mr. S. Rakhimov and Mr. B. Davlatov, were arrested in the South Kazakhstan region of the Republic of Kazakhstan when they attempted to hide in the territory of Kazakhstan after committing a terrorist act in the territory of Tajikistan.*

Participation in international anti-terrorism conventions

The Republic of Kazakhstan is party to 7 of the 12 United Nations anti-terrorism conventions (11 of which are in force, given that the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991, has yet to enter into force). One other convention, the Convention on the Physical Protection of Nuclear Material, is in the process of being ratified by the Parliament of the Republic of Kazakhstan.

Considering the importance of broadening international cooperation in the field of counter-terrorism and in accordance with the resolutions of the General Assembly and Security Council and appeals from the Secretary-General of the United Nations and the Government of the United States of America, the Council of Experts of the Republic of Kazakhstan on Cooperation with International Organizations has recommended that the Government should give favourable consideration to the question of speedy accession by Kazakhstan to four United Nations conventions to which it is not party, namely: the **International Convention for the Suppression of Terrorist Bombings** adopted by the General Assembly on 15 December 1997, the **International Convention for the Suppression of the Financing of Terrorism** adopted by the General Assembly on 9 December 1999, the **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation** signed at Rome on 10 March 1988, the **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf** signed at Rome on 10 March 1988.

Internal procedures are under way to prepare for accession by Kazakhstan to the **International Convention for the Suppression of the Financing of Terrorism**.

Financial and other preventive measures

Article 1, subparagraph 2, of the Act of the Republic of Kazakhstan "On measures to combat terrorism" contains definitions of terrorist acts, which include the financing of terrorist organizations or terrorists.

In order to protect the national interests of the Republic of Kazakhstan and to comply with international commitments, including under Security Council resolutions 1269 (1999), 1333 (2000), 1368 (2001) and 1373 (2001), and in accordance with paragraph 1 of the guidance for the submission of reports of the United Nations Counter-Terrorism Committee, the National Bank of the Republic of Kazakhstan has taken the necessary measures within its sphere of authority. In particular, the Bank has instructed second-tier banks in the Republic of Kazakhstan:

1. To verify (in accordance with lists submitted by the United States subsequent to the events of 11 September 2001) the existence of data for the past three years on legal and physical entities involved in terrorist activities.

2. To conduct an urgent appraisal in strict confidentiality of relevant requirements and instructions from the Republic's law enforcement agencies that have been submitted in accordance with established procedure and provided for in Kazakh legislation.

3. To adopt internal bank documents regulating operations with clients and partner banks, including the following internal monitoring arrangements and issues:

- Checking on new clients for possible involvement in the funding of terrorist activities prior to the opening of bank accounts, with particular attention to new applications from non-residents of the Republic of Kazakhstan;
- Ensuring that no bank accounts are opened anonymously or on the basis of information not verified with relevant documentation;
- Receiving, in accordance with established procedure, supplementary information on international organizations (their offices and representatives) when they open bank accounts, to ensure that the bank is adequately informed about the structure of the organization, its sources of funding, its banking requirements and the whereabouts of the owners or other entities controlling its activities;
- Defining the basic indicators of suspicious transactions and compiling a list of urgent measures to be taken in such cases, to include conditions for carrying out supplementary checks on important transactions or instructions by clients who have raised the bank's suspicions;
- Tightening control over the activities of bank personnel working in such areas.

4. To submit quarterly information concerning the implementation of all these instructions to the National Bank of the Republic of Kazakhstan.

In accordance with article 50 of the Act "On banks and banking activities in the Republic of Kazakhstan", the relevant law enforcement agencies have requested the second-tier banks to provide information on existing accounts and assets belonging to persons on the list provided by the United States of America.

According to the findings of the Procurator General of the Republic of Kazakhstan, no cases of access by terrorist organizations or persons involved in terrorist activities to the banking system of Kazakhstan or other sources of financing have been identified to date.

In accordance with article 8 of the Criminal Code, aliens or stateless persons who have committed offences outside the frontiers of the Republic of Kazakhstan may be handed over to a foreign State to stand trial or to serve a sentence in accordance with international treaties concluded by the Republic of Kazakhstan. Kazakhstan has on several occasions adopted extradition measures in respect of persons involved in committing terrorist activities in their own countries who are seeking to evade prosecution in the territory of Kazakhstan. *For example, in May 2001, Mr. Z. Ziyavutbitbinov was arrested and handed over to the law enforcement agencies of the Russian Federation for involvement in a terrorist act in Buinakske (Dagestan).*

It must be pointed out that, in accordance with the Act "On measures to combat terrorism", the competent authorities may prohibit aliens or stateless persons who have been involved in terrorist activities from entering Kazakhstan.

The Act "On the national security of the Republic of Kazakhstan" also contains a rule prohibiting entry into the Republic of Kazakhstan by aliens and stateless persons liable to deportation who engage in subversive activities against

the Republic of Kazakhstan or speak out publicly against the sovereignty, territorial integrity, ethnic unity, social cohesion or political stability of the country.

The Decree of the President of the Republic of Kazakhstan on the legal status of foreign nationals in the Republic of Kazakhstan provides for deportation of an alien engaged in activities contrary to the interests of preserving national security or maintaining law and order.

In accordance with the Act "On citizenship of the Republic of Kazakhstan", crimes against humanity or against the sovereignty and independence of Kazakhstan, conviction for terrorist activities or other offences under international law constitute grounds for denying Kazakh citizenship.

In accordance with the instructions on dealing with persons applying for recognition of refugee status and on the procedure for defining refugee status in the Republic of Kazakhstan — approved by order of the Migration and Demography Agency of the Republic of Kazakhstan in 1998 — the procedure for granting refugee status is initiated by a written application from an alien or stateless person containing the relevant request. The procedure for granting refugee status also involves an interview with the applicant and verification of the information submitted by him.

As of 1997, in accordance with article 12 of the Act "On population migration", a person who has committed an offence against peace, a crime against humanity or another premeditated crime may not be recognized as a refugee.

On a quarterly basis, the relevant State bodies of the Republic of Kazakhstan transmit information to the competent national bodies on unlawful movements of aliens, printed and other publications with religious content, weapons and ammunition and cases of smuggling and illegal storage of narcotic substances, as well as on measures taken to respond to those problems.

• • •

The Republic of Kazakhstan reiterates its firm resolve to fulfil its international obligations in matters of counter-terrorism and fully supports United Nations efforts aimed at preventing and suppressing terrorist acts.

At both the national and international levels, Kazakhstan is resolved also to continue pursuing the necessary measures to combat terrorism, including measures to eradicate its causes and to eliminate the risk of it spreading.

United Nations S/2001/1308

Security Council

Distr.: General
31 December 2001
English
Original: French

Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Iceland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-20687 (E) 250102 260202

Annex

[Original: English]

Letter dated 27 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iceland to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I have the honour to enclose a report from Iceland to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

The Icelandic Government will provide the Committee with a more detailed report in due course and is ready to provide further information, as the Committee deems necessary.

(*Signed*) Greta **Gunnarsdóttir**
Minister Counsellor
Chargé d'affaires a.i.

Enclosure

Report to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council Resolution 1373 (2001) of 28 September 2002 on international cooperation to combat threats to international peace and security caused by terrorist acts

I.

Iceland has deposited its Instrument of Ratification or Accession, as appropriate, to the following International Conventions:

A) Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963;

B) Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on 16 December 1970;

C) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971;

- Protocol on the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 24 February 1988;

D) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents adopted by the General Assembly of the United Nations on 14 December 1973;

E) European Convention on the Suppression of Terrorism concluded at Strasbourg on 27 January 1977;

F) International Convention against the Taking of Hostages adopted by the General Assembly of the United Nations on 17 December 1979.

II.

During the Parliamentary Session that ends in the Spring of 2002, the Icelandic Parliament is expected to authorize the Ratification or Accession, as appropriate, of Iceland to the following International Conventions:

A) Convention on Physical Protection of Nuclear Material signed at Vienna on 3 March 1980;

B) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done at Rome on 10 March 1988;

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf done at Rome on 10 March 1988;

C) Convention on the Marking of Plastic Explosives for the Purpose of Detection signed at Montreal on 1 March 1991;

D) International Convention for the Suppression of Terrorist Bombings adopted by the General Assembly of the United Nations on 15 December 1997;

E) International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9 December 1999.

III.

Operative Paragraph 1
Subparagraphs (a)-(g)

Based on Icelandic Act No. 5/1969 regarding the Implementation of United Nations Security Council Resolutions, the Icelandic Government decided to implement United Nations Security Council Resolution No. 1373 of 28 September 2001 on international cooperation to combat threats to international peace and security caused by terrorist acts by a Public Announcement on 14 November 2001 containing the following provisions on measures to prevent the financing of terrorism:

- It is unlawful for Icelandic citizens and legal persons and all other persons dwelling or engaging in business or other activities in Iceland to collect funds or other financial assets, with the intention of financing terrorist acts, which is subject to penalty according the provisions of Chapters XVIII., XXIII. and XXIV of the Penal Code.

- It is unlawful for individuals and legal persons to release funds or other financial assets or economic resources in their guard, which belong to persons who have committed or attempted to commit crimes as described above, as well as to persons who have participated in or in any way facilitated the commission of such crimes. The same applies to funds or other financial assets belonging to such persons, as well as funds and other financial assets belonging to persons acting on behalf of such persons.

- It is unlawful for Icelandic citizens and legal persons, as well as foreign citizens and legal persons active in Iceland to collect funds, provide direct or indirect services in connection with funds and other financial assets for the benefit of persons who have committed or attempted to commit crimes as described above, as well as to persons who have participated in or in any way facilitated the commission of such crimes.

- If an individual or legal person who is authorized to provide financial services to the general public according to Act No. 80/1993 on Money Laundering, with later Amendments, paragraph 1, becomes aware of suspicious activities as described above, he or she is obliged to report such activities to the National Commissioner of the Icelandic Police in accordance with the provisions of the above stated Act.

- Failure to adhere to the provisions of the Public Announcement is subject to penalty according to paragraph 2. of Act No. 5/1969 on the Implementation of United Nations Security Council Resolutions unless a more severe penalty applies according to other Acts.

IV.

Operative Paragraph 2
Subparagraphs (a)-(g)

Unlawful action as defined by those conventions mentioned under I. have been criminalized by the provisions of the Penal Code.

It is assumed that during the current parliamentary session, which ends in the Spring 2002, the Parliament will enact similar provisions as far as those conventions mentioned under II. are concerned.

According to the Weapons Act No. 16/1998, all trade in arms, including export and import, is unlawful unless special permission has been granted by the relevant authorities. Failure to comply with the provisions of this Act is punishable by deprivation of liberty for a maximum period of up to four years.

V.

Operative Paragraph 3
Subparagraphs (a)-(g)

It is the responsibility of the National Commissioner of the Icelandic Police to use all means available nationally as well as within the framework of international police cooperation in the fight against international terrorism.

With the aim to strengthen security in relation to the threat of terrorism, a Committee has been established by the Ministry of Justice to review and update the responsibilities and plans of action of all institutions and bodies operating under the Ministry's auspices.

An investigation by police authorities is in the process to establish that no terrorist cells are active in Iceland and that no acts of terror are being planned.

Relevant Icelandic authorities actively cooperate and exchange information with INTERPOL and EUROPOL.

Being a party to the Schengen cooperation agreement, Iceland also takes part in the judicial cooperation within the scope of the Schengen legislation. Iceland is also prepared to strengthen bilateral as well as multilateral cooperation in order to further measures against international acts of terrorism.

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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Albania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-20600 (E) 110102 270202

Annex

[Original: English]

Letter dated 27 December 2001 from the Secretary-General of the Ministry for Foreign Affairs of Albania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On behalf of the Albanian Government, I am sending the attached report on the implementation of Security Council resolution 1373 (2001) on combating terrorism (see enclosure).

(*Signed*) Eduard **Sulo**
Secretary-General

Enclosure

Report of the Albanian Government on the implementation of Security Council resolution 1373 (2001) on combating terrorism

Concerning the situation of criminality, the tendency for the perpetration of terrorist acts in the territory of the Republic of Albania and the experience gained in fighting against criminality show that (domestic or international) terrorism does not pose any potential danger to Albania. However, aware of the risks, in view of the present situation following the terrorist attacks against the United States, and considering itself part of the international action against terrorism, the Albanian Government had analyzed the 1373 Security Council resolution on combatting terrorism and has adopted the relevant measures for its implementation.

The situation in Albania relating to the UN Security Council Resolution 1373 on Combatting Terrorism is as follows:

Operative paragraph 1

Though there are no legal acts that specifically prohibit the collection or allocation of funds to finance the terrorism and the terrorists, such activities are illegal under the Penal Code, which considers them *as collaboration in the crime of terrorism*. In addition, the Albanian legislation contains some provisions aimed to prevent and punish the terrorist funding activities. They include the article 287/a of the Law No. 8733, dated 24.01.2001 "On some amendments in the Law No. 7895, dated 27.01.1995 of the Penal Code of the Republic of Albania", and the articles 44/2 and 45/3 of the Law 8365, dated 02.07.1998 "On the Banks in the Republic of Albania". The penal legislation and the penal procedural legislation in Albania provide for the sequestration and confiscation of assets or bank accounts pertaining to a criminal offence as well as any related benefit (article 30 and 36 of the Penal Code of the Republic of Albania and article 274 of the Code of Criminal Procedure).

According to the law "On the Banks in the Republic of Albania", the banks are obliged to prohibit any transaction or wealth related to a criminal activity or aimed to hide the illegal source of the wealth. The accounts of terrorist suspects can be frozen under the Law No. 8610, dated 15.5.2000 "On prevention of money laundering" and the 1267, 1333, and 1373 Security Council resolutions. These cases are investigated by the Department for Prevention of Money Laundering in the Ministry of Finances. This department collects information from many sources other than the banks and files criminal charges with the prosecution office if there are elements of a criminal offence.

On basis of information received from US Department of Treasury after 11 September 2001, the government has asked all banks and financial institutions operating in Albania to check and report on accounts, if any, of persons included in the list of terrorist suspects attached to this information. This list has been made available to the banks so that they can identify and freeze possible banking assets of these people deposited with the banks in Albania and can report immediately if these people open new accounts.

During this process of control and verification, the Department for the Prevention of Money Laundering cooperates closely with the police, the banking system, the intelligence service, the judiciary and the tax and customs authorities at a national level. In addition, efforts are being made to cooperate with the international agencies to in the field of exchanging information and coordinating the operations for the seizure of people involved in terrorism and for the confiscation of their wealth.

According to the law "On Prevention of Money Laundering", the Department for the Prevention of the Money Laundering is entitled to act even in cases of information about financial transactions exceeding the limit set in this law. In such cases, the Department can order the banks to freeze immediately the funds and the account for a period of up to 30 days. During this period the Department cooperates with the police, taxes, customs, banking system, judiciary and so on to collect the necessary information about the customer. If there are

sufficient elements for a criminal offence, the Department files charges with the prosecution office, which opens a criminal inquiry.

The only measure taken so far is the authorities' intervention to freeze the account of a person, whose name is in the list of the terrorist suspects. This measure was taken on the basis of an order issued by the Department for the Prevention of the Money Laundering after the relevant bank informed about the existence of a bank account belonging to a person suspected of terrorist activities. An operation is going on, in cooperation with other national and international authorities to check and collect further information about the cu tomer and complete his file. There are also some other reported cases, which are being investigated, but the Department has not pressed charges with the prosecution institution against them.

The system of preventing money laundering in Albania is at an initial stage. There is a need for further improvements in the laws and bylaws to ensure that the money laundering and the terrorist funding are efficiently dealt with. This involves measures to fill loopholes in the legal framework (in addition to the Law on the Prevention of Money Laundering, which is presently the only basic legal instrument) through the adoption of the necessary bylaws and regulations regarding procedures for the operations against money laundering, the approval of changes in the banking legislation and in the laws on related activities in compliance with the Law for Prevention of Money Laundering, changes in the Penal Code, and so on.

The Albanian financial institutions have been promised technical assistance from the US Department of Treasury for improvements in the legal and operational aspects of the system against the money laundering and terrorist funding. Nevertheless, the Albanian Government would appreciate the assistance of UN special bodies in the improvement of the legal framework and techniques used to identify, confiscate, and freeze the financial assets of the terrorist elements.

Operative paragraph 2

The penal legislation of the Republic of Albania expressly prohibits the creation of terrorist groups and the delivery of any kind of assistance to their activities in Albania or abroad. The articles 28, 233 and 234 of the Penal Code of the Republic of Albania No. 7895 dated 27.01.1995, defines the armed gang and the criminal organization as forms of a special kind of cooperation that is distinguishable for the number of participants, the level of the organization and the repeated perpetration of criminal offences. The sanctions against them range from imprisonment to five years to life sentence.

The Penal Code also includes some measures aimed to prevent arms supplies for terrorists (articles 278/a and 279 of the Penal Code of the Republic of Albania changed with the law No. 8733 dated 24.01.2001). The sanction under the article 278/a entitled "Trafficking of Weapons and Munitions" ranges from 7 to 15 year imprisonment, whereas the article 279 entitled "Production and Illegal Possession of Small Arms and Light Weapons" provides for punishment with fine or imprisonment of up to 5 years.

The provisions in the Albanian legislation, which are aimed to prevent the terrorists from using the territory of the Republic of Albania for activities against other countries or their citizens, are: article 297 of the Penal Code on "Illegal Border Crossing" and the article 299 of the Penal Code "On Violation of Flight Regulations".

The Albanian Government is presently drafting the law "On Prevention and Combating Terrorism", which will fulfill the current needs regarding the fight against terrorism and help to adjust Albanian legislation to the international conventions that have been ratified by Albania.

In addition to measures for legal improvements, the Albanian Government has also taken steps to improve the State Police structures so that their efficiency in the fight against organized crime and terrorism is particularly enhanced. The Public Order Ministry, in cooperation with the General Prosecution Office, has recently set up the "Organized Crime Unit" in the General Police Department. The "Unit of Combating Trafficking of Human Beings and Arms" has also been recently established in the central and local police structures.

The Ministry of Defense of the Republic of Albania has adopted a program of wide-ranging measures, which are being currently implemented in all the structures of the Armed Forces. These measures include:

- Strengthening of military readiness of the Armed Forces;
- Enhanced security for access to military institutions and installations;
- Prevention of terrorist acts against military structures;
- Detection, prevention, and fight against arms trafficking to neighboring countries;
- Management of arms and munitions, which the police are collecting from civil population;
- Use of military structures, if required, in the fight against internal and international terrorism;
- Protection of classified information;

Strict measures are taken in all military facilities for the effective administration and protection of the weapons and munitions. An inventory of the arms arsenal has been made and armaments have been subjected to continuous controls and inspections to prevent terrorist elements from laying their hands on them. Likewise, about 120.000 light and small weapons have been destroyed in the framework of the Stability Pact for Southeast Europe.

After the terrorist acts the Albanian competent authorities checked the identity of all foreign citizens with temporary residence in the Republic of Albania. They checked to see whether these persons complied with the residence regulations and whether some terrorist elements, against whom international warrants had been issued, had taken refuge among them. Those who were not found in possession of the required documentation were asked to apply for it or leave the Republic of Albania. Measures are also being taken to set up an office for foreign citizens in the Unit of the Fight Against Terrorist Acts. The aim is to have a better control of the potential criminal activities of foreigners in Albania as well as achieve a better cooperation with the police of neighboring countries on this problem.

During their activity for the prevention and detection of possible terrorist acts the public order forces have cooperated and have been in regular contact with the police of other countries on a direct basis or through INTERPOL. The Office of the Attorney-Genaral has cooperated with the counterpart authorities of other countries, especially during 1997 and 1988, for the identification, extradition, and deportation of some Arab citizens of Egyptian origin, who were suspected of or wanted for their involvement in terrorist activities. There were four such cases in 1998. In addition, the Albanian authorities have cooperated with the Egyptian authorities to arrest two other Egyptian citizens in Albania.

The Republic of Albania is also contributing to the international and regional cooperation in the fight against terrorism and organized crime. This participation has been institutionalized in the OSCE (participating in the Action Plan against Terrorism recently approved in the Bucharest Summit, 2001) and in some regional initiatives such as South-East Cooperation Process (SECI), Organization of the Black Sea Co-operation (BSEC), Adriatic and Ionian Initiative (AII), Central European Initiative (CEI), South-Eastern European Cooperation Process (SEECP) etc. by cooperating in the working groups set up for this purpose as well as by supporting the relevant approved declarations and documents. It is also worth mentioning that Albania is contributing to the Center against Organized Crime in Bucharest (SECI). Part of Albania's cooperation with other countries in the fight against organized crime and trafficking is also the establishment of the "Center of the Fight Against Illegal Trafficking" in Vlore, which will work, among others, to prevent and detect terrorist elements.

Operative paragraph 3

The Albanian Government has carried out a consistent work to improve and update the legislation in order to have a better organization and a high efficiency in the fight against terrorism. To this end, the Parliament has prepared the ratification procedures for and has ratified a number of international conventions such as:

1. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation; Montreal 1971;
2. Convention on Offences and Certain other Acts Committed on Board of Aircrafts, Tokyo 1963;

3. Convention for the Suppression of Unlawful Seizure of Aircraf, Hague 1970;
4. European Convention on the Suppression Terrorism, (ratified 2000);
5. European Convention on Extradition and its two additional protocols (ratified 1998);
6. European Convention on Mutual Assistance in Criminal Matters (ratified 2000);
7. European Convention on Transfer of Procedures in Criminal Matters and the additional protocol, (ratified 2000);
8. European Agreement on Transmisson of Application for Legal Aid (ratified 2001);
9. European Convention on Money Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ratified 2000).
10. Convention against the Taking of Hostages (1979) (ratified 2001);
11. Convention on the Prevention and the Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (1973) (ratified 2001);
12. Protocol on Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988) (ratified 2001).

The following conventions are in the process of ratification or accession:

1. Convention on Physical Protection of Nuclear Material (1979);
2. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against Fixed Platforms located on the Continental Shelf (1988);
3. Convention on the Suppression of Terrorist Bombings (1998).

The following conventions have been signed:

1. International Convention for the Suppression of Financing of Terrorism (1999) (signed 2001);
2. International Convention on Cyber Crime (signed 2001);
3. Second Additional Protocol of European Convention on Mutual Assistance in Criminal Cases (signed 2001);
4. Additional Protocol of European Agreement on Transfer of Procedures of Criminal Cases (signed 2001).

Anticipating the possibility of the involvement of asylum seekers and foreigners in terrorist activities, the Albanian Government is recently revising the Law No. 8492 dated 27.05.1999 "On the Foreigners" and the Law No 8432 dated 14.12.1998 "On Asylum in the Republic of Albania", which will be adjusted to the standards of the aforementioned conventions.

The Ministry Justice of the Republic of Albania has prepared a specific working program to review the legal compatibility of the activity of the prosecutors in the investigation of criminal cases after the accomplishment of the preliminary investigations. This control will be conducted in the municipalities used as a base for illegal trafficking, such as Vlore, Fier, Durres, Kurbin, Elbasan, Shkoder, Kukes and Tropoje. In addition to this control, the Justice Ministry has ordered the inspectorate of the High Council of Justice to review the sentences passed by the courts of these municipalities in criminal cases related to terrorist acts, illegal trafficking, arms trafficking, and illegal border crossing. Such inspections will enable prosecutors and judges to make an accurate implementation of the laws on the investigation and punishment of people, who perpetrate terrorist acts or are involved in illegal trafficking.